

SCHEDULE 3

Consequential amendments to instruments

PART 3

Safety functions

Nuclear Installations (Dangerous Occurrences) Regulations 1965

29. For regulation 4 of the Nuclear Installations (Dangerous Occurrences) Regulations 1965 (manner in which and persons to whom occurrences are to be reported) ^{M1} substitute—

“Manner in which occurrences are to be reported to the appropriate national authority

4.—(1) A report required to be made under section 22(2) of the Act to the appropriate national authority must be made in the manner prescribed in paragraph (2).

(2) The report must—

- (a) be made by the quickest means available; and
- (b) be subsequently confirmed in writing.

(3) Where a report is confirmed in writing, it must contain the information (or such part of that information as may be applicable to the occurrence concerned) specified in the Schedule.

Other persons to whom occurrences are to be reported and manner of reporting

4A.—(1) A report must be made under section 22(2)(b) of the Act of an occurrence of a class or description specified in regulation 3(1)(a)(i) or (b)—

- (a) to the persons prescribed by paragraph (2); and
- (b) in the manner prescribed by paragraph (3).

(2) The prescribed persons are—

- (a) the local authority in whose area the occurrence happened; and
- (b) the chief officer of police for the police area in which the occurrence happened.

(3) The report must be made by the quickest means available.

(4) In the application of this regulation to Scotland the reference to the local authority in whose area the occurrence happened is to be read as a reference to every local authority in whose area the occurrence happened.”.

Marginal Citations

M1 [S.I. 1965/1824](#)

Safety Representatives and Safety Committees Regulations 1977

30. The Safety Representatives and Safety Committees Regulations 1977 ^{M2} are amended as follows.

Changes to legislation: There are currently no known outstanding effects for the The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014, PART 3. (See end of Document for details)

Marginal Citations

M2 S.I.1977/500 amended by S.I. 1998/1658, S.I. 1999/860, S.I. 2006/594, S.I. 2008/960 and S.I. 2012/199.

31. In regulation 2(1) (interpretation) after the definition of “recognised trade union” insert—

““relevant nuclear provisions” means—

- (a) sections 1, 3 to 6, 22 and 24A of the Nuclear Installations Act 1965;
- (b) to the extent they are treated as nuclear regulations, the provisions of the Carriage of Dangerous Goods and Transportable Pressure Equipment Regulations 2009;
- (c) the provisions of the Nuclear Industries Security Regulations 2003;
- (d) the provisions of nuclear regulations other than any provision of such regulations identified in accordance with section 74(9) of the Energy Act 2013 as made for the nuclear safeguards purposes;

“relevant nuclear site” means a site which is—

- (a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013);
- (b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998); or
- (c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations);”.

32.—(1) Regulation 4 (functions of safety representatives) is amended as follows.

(2) In paragraph (1)—

(a) in sub-paragraph (f) after “Executive” insert “, the Office for Nuclear Regulation ”;

(b) for sub-paragraph (g) substitute—

“(g) to receive information—

- (i) in relation to premises which are, or are on, a relevant nuclear site, from inspectors under paragraph 23 of Schedule 8 to the Energy Act 2013;
- (ii) otherwise, from inspectors in accordance with section 28(8) of the 1974 Act;”;

(c) in the full-out words after “the 1974 Act” insert “ or sections 102 and 103 of the Energy Act 2013 ”.

33.—(1) In regulation 4A(1)—

(a) in sub-paragraph (c) after “relevant statutory provisions” insert “ or the relevant nuclear provisions ”;

(b) in sub-paragraph (d) after “relevant statutory provisions” insert “ or the relevant nuclear provisions ”.

34.—(1) Regulation 5 (inspections of the workplace) is amended as follows.

(2) In paragraph (2) for “Health and Safety Executive” substitute “ relevant authority ”.

(3) After paragraph (2) insert—

“(2A) In paragraph (2), “relevant authority” means—

Changes to legislation: There are currently no known outstanding effects for the The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014, PART 3. (See end of Document for details)

(a) in relation to a workplace which is, or is on, a relevant nuclear site, the Office for Nuclear Regulation;

(b) otherwise, the Health and Safety Executive.”.

35. In regulation 6(3) (inspections following notifiable accidents, occurrences and diseases) in the definition of “notifiable accident or dangerous occurrence” and “notifiable disease” after “the 1974 Act” insert “ or the relevant nuclear provisions ”.

36. In regulation 7(1) (inspection of documents and provision of information) after “the 1974 Act” insert “ or the relevant nuclear provisions ”.

Dangerous Substances in Harbour Areas Regulations 1987

37. The Dangerous Substances in Harbour Areas Regulations 1987 ^{M3} are amended as follows.

Marginal Citations

M3 [S.I. 1987/37](#); relevant amending instruments are [S.I. 1988/12](#) and [S.I. 2004/568](#).

38. In regulation 2(1) (interpretation)—

(a) after the definition of “ADR” insert—

““appropriate authority” means—

(a) in relation to a harbour which is, or forms part of, an ONR regulated site, the Office for Nuclear Regulation,

(b) otherwise, the Health and Safety Executive;”;

(b) in the definition of “explosives licence” after “Executive” insert “ or the Office for Nuclear Regulation ”;

(c) after the definition of “monobuoy area” insert—

““ONR regulated site” means a site which is—

(a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013);

(b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998); or

(c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations).”.

39.—(1) Regulation 35 (applications for explosives licences) is amended as follows.

(2) In paragraph (1)—

(a) in the opening words for “Health and Safety Executive” substitute “ appropriate authority ”;

(b) in the full-out words for “Executive” substitute “ appropriate authority ”.

40.—(1) Regulation 36 (consideration of licence applications) is amended as follows.

(2) In paragraph (1) for “Health and Safety Executive” substitute “ appropriate authority ”.

(3) In paragraph (2) for “Executive”, in both places in which it occurs, substitute “ appropriate authority ”.

41. After regulation 36 insert—

Changes to legislation: There are currently no known outstanding effects for the The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014, PART 3. (See end of Document for details)

“Harbours ceasing to be nuclear harbours

36A.—(1) Where this regulation applies any explosives licence issued by, or treated as issued by, the Office for Nuclear Regulation (“ONR”) is to be treated on and after the relevant date as an explosives licence issued by the Health and Safety Executive.

(2) This regulation applies where—

- (a) the harbour in respect of which the licence was issued ceases to be a nuclear harbour; and
- (b) the licence mentioned in sub-paragraph (a) remained in force (with or without variations) immediately before the date on which the harbour ceased to be a nuclear harbour

(3) In this regulation—

- (a) “nuclear harbour” means a harbour which is, or forms part of an ONR regulated site;
- (b) “relevant date” means, in relation to a harbour, the date on which it ceased to be a nuclear harbour.

Harbours becoming nuclear harbours

36B.—(1) Where this regulation applies any explosives licence issued by, or treated as issued by, the Health and Safety Executive (“HSE”) is to be treated on and after the relevant date as an explosives licence issued by the Office for Nuclear Regulation.

(2) This regulation applies where—

- (a) the harbour in respect of which the licence was issued becomes a nuclear harbour; and
- (b) the licence mentioned in sub-paragraph (a) remained in force (with or without variations) immediately before the date on which the harbour became a nuclear harbour.

(3) For the purposes of this regulation—

- (a) “nuclear harbour” has the meaning given by regulation 36A;
- (b) “relevant date” means, in relation to a harbour, the date on which the harbour became a nuclear harbour.”.

42. In regulation 41 (deteriorated explosives) for “Health and Safety Executive” substitute “appropriate authority”.

43.—(1) Regulation 44 (enforcement) is amended as follows.

(2) In paragraph (1) for “paragraph (2)” substitute “section 18(1A) of the Health and Safety at Work etc. Act 1974 and paragraphs (2) and (3)”.

(3) After paragraph (2) insert—

“(3) The Office for Nuclear Regulation shall be responsible for enforcing these Regulations in any harbour which is, or forms part of, an authorised defence site or new nuclear build site.

(4) In this regulation “authorised defence site” and “new nuclear build site” have the meanings given in the Health and Safety (Enforcing Authority) Regulations 1998.”.

44.—(1) In Schedule 7 (procedure for explosives licence applications)—

Changes to legislation: There are currently no known outstanding effects for the *The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014, PART 3*. (See end of Document for details)

- (a) for “Health and Safety Executive” substitute “ appropriate authority ”, in each place occurring;
- (b) for “Executive” substitute “ appropriate authority ”, in each place occurring.

Dangerous Substances (Notification and Marking of Sites) Regulations 1990

45. For regulation 8 of the Dangerous Substances (Notification and Marking of Sites) Regulations 1990 (enforcing authority) ^{M4} substitute—

- “8.—(1) The enforcing authority for these Regulations is the appropriate fire body.
- (2) The appropriate fire body is not the enforcing authority—
- (a) for regulation 4(1) and 4(2);
 - (b) for regulations 5 to 7 in relation to a site occupied by a body specified in regulation 4(3) of the 1998 Regulations.
- (3) The enforcing authority for regulation 4(1) and 4(2) is the ONR, the Executive, local authority or Office of Rail Regulation determined in accordance with the Health and Safety (Enforcing Authority) Regulations 1998 (“the 1998 Regulations”) and the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006.
- (4) The enforcing authority for regulations 5 to 7 in relation to a site occupied by a body specified in regulation 4(3) of the 1998 Regulations is—
- (a) where that site is an authorised defence site or new nuclear build site, the Office for Nuclear Regulation,
 - (b) otherwise, the Executive.
- (5) This regulation applies subject to section 18(1A) of the Health and Safety at Work etc. Act 1974.
- (6) In this regulation—
- (a) “appropriate fire body” means—
 - (i) in England and Wales, the fire authority;
 - (ii) in Scotland, the Scottish Fire and Rescue Authority.
 - (b) “authorised defence site” and “new nuclear build site” have the meanings given in the 1998 Regulations.”.

Marginal Citations

M4 [S.I. 1990/304](#) to which there are amendments not relevant to this Order.

Control of Explosives Regulations 1991

46. [^{F1}The Control of Explosives Regulations 1991 ^{M5} are amended as follows.

F1 Sch. 3 paras. 46-51 revoked (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), reg. 1(1), [Sch. 14 Pt. 2](#)

Marginal Citations

M5 [S.I. 1991/1531](#), amended by [S.I. 2005/1082](#). There are other amending instruments but none is relevant to this Order.

Changes to legislation: There are currently no known outstanding effects for the The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014, PART 3. (See end of Document for details)

- 47.** In regulation 2(1) (interpretation) after the definition of “occupier” insert—
““the ONR” means the Office for Nuclear Regulation;”.

F1 Sch. 3 paras. 46-51 revoked (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), reg. 1(1), **Sch. 14 Pt. 2**

- 48.** After regulation 3(4)(d) (application) insert—
“(e) the ONR.”.

F1 Sch. 3 paras. 46-51 revoked (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), reg. 1(1), **Sch. 14 Pt. 2**

- 49.** In regulation 11(1)(a) (licensed occupier to appoint person responsible for the security of explosives) after “Executive” insert “ or the ONR ”.

F1 Sch. 3 paras. 46-51 revoked (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), reg. 1(1), **Sch. 14 Pt. 2**

- 50.** After regulation 13(8) (reporting loss) insert—

“(9) Where any loss of explosive occurs at a site in relation to which the ONR is the licensing authority by virtue of paragraph 4 of Schedule 1 to the 2005 Regulations, then any requirement in this regulation to report or supply information to a chief officer of police shall also include a like requirement to report or supply the same information to the ONR.”.

F1 Sch. 3 paras. 46-51 revoked (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), reg. 1(1), **Sch. 14 Pt. 2**

- 51.** For regulation 15 (enforcement) substitute—

“**15.**—(1) This regulation applies subject to section 18(1A) of the Health and Safety at Work etc. Act 1974.

(2) Subject to the following paragraphs of this regulation, the enforcing authority for these Regulations in any area of Great Britain is the chief officer of police for that area.

(3) Subject to paragraph (3), the Executive is the enforcing authority—

(a) in relation to regulation 11;

(b) in relation to regulation 12—

(i) in respect of any place within a site in relation to which the Executive is the licensing authority by virtue of paragraph 1(c) of Schedule 1 to the 2005 Regulations;

(ii) in respect of any place in premises occupied on behalf of the Crown for naval, military or air force purposes or for the purposes of the department of the Secretary of State having responsibility for defence; and

(iii) under regulation 12(1) in respect of any place below ground in any mine;

(c) for these Regulations for any area outside Great Britain.

(4) The ONR is the enforcing authority in relation to regulations 11 and 12 in respect of any place—

Changes to legislation: There are currently no known outstanding effects for the *The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014, PART 3*. (See end of Document for details)

- (a) within a site in relation to which the ONR is the licensing authority by virtue of paragraph 4 of Schedule 1 to the 2005 Regulations;
- (b) within—
 - (i) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998); or
 - (ii) a new nuclear build site (within the meaning given in regulation 2A of those Regulations).
- (5) The enforcing authority for these Regulations against a police force or any member of a police force is—
 - (a) in so far as these Regulations apply in relation to activities carried out on, or in relation to, an authorised defence site or new nuclear build site, the ONR;
 - (b) otherwise, the Executive.”.]

F1 Sch. 3 paras. 46-51 revoked (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), reg. 1(1), **Sch. 14 Pt. 2**

Simple Pressure Vessels (Safety) Regulations 1991

F2 52.

F2 Sch. 3 para. 52 omitted (8.12.2016) by virtue of [The Simple Pressure Vessels \(Safety\) Regulations 2016 \(S.I. 2016/1092\)](#), regs. 1, **78(6)** (with reg. 3)

Placing on the Market and Supervision of Transfers of Explosives Regulations 1993

53. [^{F3}The Placing on the Market and Supervision of Transfers of Explosives Regulations 1993
^{M6} are amended as follows.

F3 Sch. 3 paras. 53-55 revoked (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), reg. 1(1), **Sch. 14 Pt. 2**

Marginal Citations

M6 [S.I. 1993/2714](#); to which there are amendments not relevant to this Order.

- 54.** In regulation 3 (application)—
- (a) at the end of paragraph (3)(b) omit “or”;
 - (b) at the end of paragraph (c) insert—
 - “; or
 - (d) the Office for Nuclear Regulation.”.

F3 Sch. 3 paras. 53-55 revoked (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), reg. 1(1), **Sch. 14 Pt. 2**

- 55.**—(1) Regulation 9 (enforcement) is amended as follows.
- (2) For paragraph (1) substitute—

Changes to legislation: There are currently no known outstanding effects for the The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014, PART 3. (See end of Document for details)

“(1) Notwithstanding the provisions of the Health and Safety (Enforcing Authority) Regulations 1998 and subject to section 18(1A) of the 1974 Act, the enforcing authority for these Regulations is—

- (a) in so far as these Regulations apply on, or in relation to, any activity carried out wholly or mainly on nuclear premises, the Office for Nuclear Regulation;
- (b) otherwise, the Executive.”.

(3) After paragraph (4) insert—

“(5) For the purposes of this regulation “nuclear premises” means premises which are, or are on—

- (a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013);
- (b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 2008); or
- (c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations).”.]

F3 Sch. 3 paras. 53-55 revoked (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), reg. 1(1), **Sch. 14 Pt. 2**

Electrical Equipment (Safety) Regulations 1994

F4 ~~56.~~

F4 Sch. 3 paras. 56-58 omitted (8.12.2016) by virtue of [The Electrical Equipment \(Safety\) Regulations 2016 \(S.I. 2016/1101\)](#), reg. 1, **Sch. 7 para. 10** (with reg. 3)

F4 ~~57.~~

F4 Sch. 3 paras. 56-58 omitted (8.12.2016) by virtue of [The Electrical Equipment \(Safety\) Regulations 2016 \(S.I. 2016/1101\)](#), reg. 1, **Sch. 7 para. 10** (with reg. 3)

F4 ~~58.~~

F4 Sch. 3 paras. 56-58 omitted (8.12.2016) by virtue of [The Electrical Equipment \(Safety\) Regulations 2016 \(S.I. 2016/1101\)](#), reg. 1, **Sch. 7 para. 10** (with reg. 3)

Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 1996

59. The Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 1996 ^{M7} are amended as follows.

Marginal Citations

M7 [S.I. 1996/192](#), to which there are amendments not relevant to this Order.

60. In regulation 2(2) (interpretation)—

- (a) omit the definition of “enforcement authority”;

(b) after the definition of “equipment group II” insert—

““the Executive” means the Health and Safety Executive established under section 10 of the Health and Safety at Work etc. Act 1974;”.

61. In regulation 14(2)(a) (conditions for equipment etc. being taken to comply with the provisions of the ATEX Directive) for “enforcement authority”, in both places it appears, substitute “Executive”.

62. After regulation 15(5) (enforcement) insert—

“(6) For the purposes of this regulation “enforcement authority” means—

- (a) in any case where it is responsible for the enforcement of these Regulations in accordance with Schedule 14, the Office for Nuclear Regulation;
- (b) otherwise, the Executive.”.

63.—(1) Schedule 14 (enforcement) is amended as follows.

(2) For paragraph 1(a) substitute—

“(a) subject to sub-paragraph (aa), it shall be the duty of the Executive to make adequate arrangements for the enforcement of these Regulations;”.

(3) After paragraph 1(a) insert—

“(aa) it shall be the duty of the Office for Nuclear Regulation to make adequate arrangements for the enforcement of these Regulations as they apply to—

- (i) any person who places on the market or supplies a relevant product intended exclusively or primarily for use on a GB nuclear site;
- (ii) any person who puts a relevant product into service on a relevant nuclear site;

(ab) accordingly a reference to the provisions applied for the purposes of such enforcement by sub-paragraph (b) below to an “enforcing authority” shall be construed as a reference to the Executive or the Office for Nuclear Regulation (as the case may be).”.

(4) In paragraph 2—

(a) for “An enforcement authority” substitute “The Executive”;

(b) After paragraph 2(1) insert—

“(1A) The Office for Nuclear Regulation may apply under this paragraph for an order for the forfeiture of any relevant product on the grounds that there has been a contravention in relation thereto of—

(a) regulation 6 in so far as it applies to—

- (i) the placing on the market of any relevant product which is intended exclusively or primarily for use on a GB nuclear site;
- (ii) putting a relevant product into service on a relevant nuclear site;

(b) regulation 7 in so far as it applies to the supply of any relevant product intended exclusively or primarily for use on a GB nuclear site;

(c) regulation 8 in so far as it applies to the placing on the market of any component intended exclusively or primarily for use on a GB nuclear site;”.

(5) In paragraph 4 for “enforcement authority” substitute “Executive or the Office for Nuclear Regulation”.

(6) In paragraph 6 for “enforcement authority” substitute “Executive or the Office for Nuclear Regulation”.

(7) In paragraph 7—

Changes to legislation: There are currently no known outstanding effects for the The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014, PART 3. (See end of Document for details)

(a) after the definition of “the 1974 Act” insert—

““GB nuclear site” has the meaning given in section 68 of the Energy Act 2013;

“relevant nuclear site” means a site which is—

- (a) a GB nuclear site;
- (b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998);
- (c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations).”.

Health and Safety (Safety Signs and Signals) Regulations 1996

64. For regulation 7 (enforcement) of the Health and Safety (Safety Signs and Signals) Regulations 1996 ^{M8} substitute—

“7.—(1) Subject to section 18(1A) of the 1974 Act and despite the provision made by the Health and Safety (Enforcing Authority) Regulations 1998 (“the 1998 Regulations”), the enforcing authority in relation to fire safety signs provided in pursuance of regulation 4(4) as applied by regulation 4(3) (signs provided to comply with the provisions of any enactment) is—

- (a) in the case of premises and activities to which these Regulations apply by virtue of paragraph (2)(b) of regulation 3, the Health and Safety Executive;
- (b) in the case of premises which are, or are on, or activities carried out on, an authorised defence site or new nuclear build site, the Office for Nuclear Regulation;
- (c) in any other case, the authority or class of authorities responsible for enforcing the relevant provision of the enactment which applies to the case.

(2) In this regulation, “authorised defence site” and “new nuclear build site” have the meanings given in the 1998 Regulations.”.

Marginal Citations

M8 [S.I. 1996/341](#), to which there are amendments not relevant to this Order.

Marking of Plastic Explosives for Detection Regulations 1996

65. For regulation 6 of the Marking of Plastic Explosives for Detection Regulations 1996 ^{M9} (enforcement) substitute—

“6.—(1) Notwithstanding the provisions of the Health and Safety (Enforcing Authority) Regulations 1998 (“the 1998 Regulations”) and subject to section 18(1A) of the Health and Safety at Work etc. Act 1974 and paragraph (2), the Executive shall be the enforcing authority for these Regulations—

- (a) in Great Britain; and
- (b) in those areas outside Great Britain where these Regulations apply by virtue of regulation 7.

(2) The Office for Nuclear Regulation shall be the enforcing authority for regulations 3 and 4 of these Regulations as they apply on or in relation to authorised defence sites and new nuclear build sites.

Changes to legislation: There are currently no known outstanding effects for the The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014, PART 3. (See end of Document for details)

(3) In this regulation, “authorised defence site” and “new nuclear build site” have the meanings given in the 1998 Regulations.”.

Marginal Citations

M9 [S.I. 1996/890](#); to which there are amendments not relevant to this Order.

Lifts Regulations 1997

66. The Lifts Regulations 1997 ^{M10} are amended as follows.

Marginal Citations

M10 [S.I. 1997/831](#); to which there are amendments not relevant to this Order.

67. In regulation 2(2) (interpretation)—

(a) for paragraph (a)(i) of the definition of “enforcement authority” substitute—

“(i) in Great Britain—

(aa) in so far as these Regulations apply on, or in relation to, any premises which are, or are on, or any activity carried out on, a relevant nuclear site, the Office for Nuclear Regulation;

(bb) otherwise, the Health and Safety Executive established under section 10 of the Health and Safety at Work etc. Act 1974;”;

(b) after the definition of “relevant essential health and safety requirements” insert—

““relevant nuclear site” means a site which is—

(a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013);

(b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998); or

(c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations).”.

68.—(1) Schedule 15 (enforcement) is amended as follows.

(2) In paragraph 1(a) (enforcement in Great Britain) for “Executive”, in each place it occurs, substitute “ appropriate authority ”.

(3) In paragraph 8 (interpretation) after the definition of “the 1987 Act” insert—

““appropriate authority” means—

(a) in so far as these Regulations apply on, or in relation to, any premises which are, or are on, or any activity carried out on, a relevant nuclear site, the Office for Nuclear Regulation;

(b) otherwise, the Executive.”.

Diving at Work Regulations 1997

69.—(1) The Diving at Work Regulations 1997 ^{M11} are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “the 1995 Order” insert—

““appropriate authority” means—

Changes to legislation: There are currently no known outstanding effects for the The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014, PART 3. (See end of Document for details)

- (a) in any case where the diving project is a nuclear diving project, the Office for Nuclear Regulation;
- (b) otherwise, the Executive.”;
- (b) after the definition of “Executive” insert—
 - ““nuclear diving project” means a diving project made up wholly or mainly of diving operations carried out on or in relation to a site which is—
 - (a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013);
 - (b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998);
 - (c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations).”.
- (3) In regulation 7 (information to be supplied by diving contractor) for “Executive” substitute “appropriate authority ” in each place it occurs.
- (4) In Schedule 1 (particulars to be included in written notice by the diving contractor) for “Executive” substitute “ appropriate authority ” in each place it occurs.

Marginal Citations

M11 [S.I. 1997/2776](#); to which there are amendments not relevant to this Order.

Health and Safety (Enforcing Authority) Regulations 1998

70. The Health and Safety (Enforcing Authority) Regulations 1998 ^{M12} are amended as follows.

Marginal Citations

M12 [S.I. 1998/494](#), amended by [S.I. 1999/2024](#), [S.I. 1999/3232](#), [S.I. 2002/2675](#), [S.I. 2005/1082](#), [S.I. 2005/1541](#), [S.I. 2006/557](#), [S.I. 2007/320](#), [S.I. 2008/960](#), [S.I. 2009/693](#), [S.I. 2009/716](#), [S.I. 2011/3058](#), [S.I. 2012/632](#) and [S.I. 2013/602](#).

71. After regulation 1 insert—

“Application

1A. Nothing in these Regulations applies to the enforcement of the relevant statutory provisions as they apply in relation a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013).”.

72. In regulation 2(1) (interpretation)—

- (a) after the definition of “agricultural activities” insert—
 - ““authorised defence site” means a site in England and Wales or Scotland—
 - (a) that is used for any purpose which, if section 1 of the Nuclear Installations Act 1965 applied to the Crown, would require the authority of a nuclear site licence in respect of that site; and
 - (b) for which there is in force an authorisation granted by or on behalf of the Secretary of State having responsibility for defence authorising it to be used for that purpose;”;
- (b) after the definition of “mine” insert—

Changes to legislation: There are currently no known outstanding effects for the The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014, PART 3. (See end of Document for details)

- ““the ONR” means the Office for Nuclear Regulation;
- “new nuclear build site” has the meaning given in regulation 2A;
- “nuclear warship site” has the meaning given in regulation 2B;”.

73. After regulation 2 insert—

“New nuclear build sites

2A.—(1) Subject to paragraphs (3) and (4), “new nuclear build site” means a site which—

- (a) is immediately adjacent to a GB nuclear site (“the associated site”);
- (b) is, or forms part of, a construction site where construction work is being carried out—
 - (i) wholly or mainly for the purpose of the installation of one or more nuclear installations on the associated site; and
 - (ii) by or on behalf of the person to whom the nuclear site licence for the associated site has been granted.

(3) A site is not a new nuclear build site if, on the date construction work starts on that site, there is a nuclear installation installed on the associated site.

(4) A site ceases to be a new nuclear build site on the completion of the construction work mentioned in paragraph (1)(b).

(5) In this regulation—

- (a) “construction site” and “construction work” have the meanings given in regulation 2(1) of the Construction and Design Management Regulations 2007;
- (b) “GB nuclear site” has the meaning given in section 68 of the Energy Act 2013;
- (c) “nuclear site licence” and “nuclear installation” have the meanings given in section 26 of the Nuclear Installations Act 1965.

Interpretation: nuclear warship site

2B.—(1) For the purposes of these Regulations, “nuclear warship site” means a site which falls within paragraph (2).

(2) A site falls within this paragraph if—

- (a) it is, or contains, a berth or an anchorage; and
- (b) relevant arrangements have—
 - (i) been made for the use of the berth or anchorage (as the case may be) by a nuclear powered warship; and
 - (ii) been notified to the ONR by the Secretary of State.

(3) A site ceases to fall within paragraph (2) if the Secretary of State notifies the ONR that the relevant arrangements made for the use of the berth or anchorage by a nuclear powered warship are no longer in place.

(4) In this regulation, “relevant arrangements” means, in relation to a berth or an anchorage (as the case may be), arrangements—

- (a) made between the Secretary of State and the owner or occupier in any case where the Secretary of State is not the owner or occupier of the site which is, or contains, the berth or anchorage,

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(b) otherwise, made by the Secretary of State.”.

74. In regulation 3(7) (local authorities to be enforcing authorities in certain cases) for “regulations, 4, 5 and 6” substitute “ regulations 4 to 6A ”.

75.—(1) Regulation 4 (exceptions) is amended as follows.

(2) In paragraph (6) for “regulations 5 and 6” substitute “ regulations 4A to 6A ”.

(3) In paragraph (7)—

(a) in sub-paragraph (b) after “paragraph 1” insert “ or 4 ”;

(b) in sub-paragraph (c) after “paragraph 1” insert “ or 4 ”.

(4) For paragraph (8) substitute—

“(8) The enforcing authority in respect of manufacture and storage of ammonium nitrate blasting intermediate shall be—

(a) in relation to manufacture or storage on an authorised defence site or new nuclear build site, the ONR;

(b) otherwise, the Executive.”.

(5) In paragraph (10)—

(a) after sub-paragraph (a) insert—

“(aa) where the disposal or decontamination is carried out by, or on behalf of, a person who holds a licence granted by, or treated as granted by, the ONR under those Regulations in a case in which the assent of the local authority was required under regulation 13(3) of those Regulations before the licence was granted, the ONR;”;

(b) in sub-paragraph (b) for “sub-paragraph (a)” substitute “ sub-paragraphs (a) and (aa) ”.

76. After regulation 4 insert—

“The Office for Nuclear Regulation

4A.—(1) The ONR shall be the enforcing authority for premises which are or are on—

(a) an authorised defence site; or

(b) a new nuclear build site.

(2) The ONR shall also be the enforcing authority for—

(a) the provisions of—

(i) the Ionising Radiation Regulations 1999; and

(ii) the Radiation Emergency Preparedness and Public Information Regulations 2001,

in so far as they apply to premises which are or are on a nuclear warship site;

(b) subsections (1), (2), (4) and (5) of section 6 of the 1974 Act (general duties of manufacturers etc. as regards articles and substances for use at work) but only in so far as those requirements relate to—

(i) articles for use at work which are designed, manufactured, imported or supplied; or

(ii) substances which are manufactured, imported or supplied,

to be used exclusively or primarily in the installation, operation or decommissioning of a GB nuclear site or an authorised defence site;

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(c) subsection (3) of section 6 of the 1974 Act in so far as the requirements of that provision relate to the erection or installation of any article for use at work in any premises which are or are on an authorised defence site or a new nuclear build site.

(3) For the purposes of paragraph (2)(a) above “premises” includes a nuclear powered warship during any period it is berthed or anchored at a nuclear warship site.

(4) The preceding provisions of this regulation have effect subject to—

(a) regulation 6A; and

(b) any provisions made for enforcement responsibility by other regulations made under the 1974 Act or any of the existing statutory provisions.”.

77. Before regulation 5(1) (arrangements enabling responsibility for enforcement to be transferred) insert—

“(A1) This regulation applies in relation to any relevant statutory provision to the extent that either the Executive or the local authority is the enforcing authority for the provision.”.

78.—(1) Regulation 6 (arrangements enabling responsibility for enforcement to be assigned in cases of uncertainty) is amended as follows.

(2) For the heading substitute— “ Assignment of responsibility for enforcement in cases of uncertainty: the Executive and the local authority ”.

(3) For paragraph (1) substitute—

“(1A) This regulation applies where there is uncertainty as to what are the respective responsibilities of the Executive and the local authority by virtue of regulations made under section 18(2) of the 1974 Act for the enforcement of any of the relevant statutory provisions in respect of any particular premises, part of premises or any activity carried on there.

(1B) The responsibility for enforcing the relevant statutory provision in question in the respect in question may be assigned by the Executive and the local authority (acting jointly) to the Executive or to the local authority.

(1C) An assignment under paragraph (1B) may only be made where the Executive and the local authority agree—

(a) that there is uncertainty in the particular case as to what are their respective responsibilities by virtue of regulations made under section 18(2) of the 1974 Act; and

(b) which of them is the more appropriate to be responsible for enforcement in that case.

(1D) Where an assignment is made under paragraph (1B) the authority to which responsibility is assigned must give notice of the assignment to any person affected by it.”.

79. After regulation 6 insert—

“Assignment of responsibility for enforcement in cases of uncertainty: the Executive and the ONR

6A.—(1) This regulation applies where there is uncertainty as to what are the respective responsibilities of the Executive and the ONR by virtue of regulations made under section 15 or 18(2) of the 1974 Act for the enforcement of—

(a) section 6 of the 1974 Act in respect of any particular article for use at work or substance; or

(b) any other relevant statutory provision in respect of any premises, part of premises or any activity carried on there.

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(2) The responsibility for enforcing the relevant statutory provision in question in the respect in question may be assigned by the Executive and the ONR (acting jointly) to the Executive or the ONR.

(3) An assignment under paragraph (2) may be made only where the Executive and the ONR agree—

(a) that there is uncertainty in the particular case as to what are their respective responsibilities by virtue of regulations made under section 15 or 18(2) of the 1974 Act are; and

(b) which of them is more appropriate to be responsible for enforcement in that case.

(4) Where an assignment is made under paragraph (2), the authority to which responsibility is assigned must give notice of the assignment to any person affected by it.

Assignment of responsibility for enforcement in cases of uncertainty: the ONR and the local authority

6B.—(1) This regulation applies where there is uncertainty as to what are the respective responsibilities of the ONR and a local authority by virtue of regulations made under section 18(2) of the 1974 Act for the enforcement of any of the relevant statutory provisions in respect of any particular premises, part of premises or any activity carried on there.

(2) The responsibility for enforcing the relevant statutory provision in question in the respect in question may be assigned by the ONR and the local authority (acting jointly) to the ONR or the local authority.

(3) An assignment under paragraph (2) may be made only where the ONR and the local authority agree—

(a) that there is uncertainty in the particular case as to what are their respective responsibilities by virtue of regulations made under 18(2) of the 1974 Act are; and

(b) which of them is more appropriate to be responsible for enforcement in that case.

(4) Where an assignment is made under paragraph (2), the authority to which responsibility is assigned must give notice of the assignment to any person affected by it.”.

Working Time Regulations 1998

80. The Working Time Regulations 1998 ^{M13} are amended as follows.

Marginal Citations

M13 [S.I. 1998/1833](#); amended by [S.I. 2003/1684](#), [S.I. 2006/557](#) and [S.I. 2008/960](#). There are other amending instruments but none is relevant to this Order.

81.—(1) Regulation 28 (enforcement) is amended as follows.

(2) In paragraph (1)—

(a) after the definition of “the 1974 Act” insert—

““2013 Act” means the Energy Act 2013;”;

(b) in the definition of “enforcement authority” after “VOSA” insert “ , the ONR ”;

(c) after the definition of “local authority” insert—

““ONR” means the Office for Nuclear Regulation;”;

(d) after the definition of “relevant civil aviation worker” insert—

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““relevant nuclear provisions” means—

- (a) sections 1, 3 to 6, 22 and 24A of the Nuclear Installations Act 1965;
- (b) the provisions of the 2013 Act;
- (c) the provisions of nuclear regulations other than any provision of such regulations identified in accordance with section 74(9) of the 2013 Act as made for the nuclear safeguards purposes;

“relevant nuclear site” means a site which is—

- (a) a GB nuclear site (within the meaning given by section 68 of the 2013 Act);
- (b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998); or
- (c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations);”.

(3) After paragraph (2)(d) insert—

“(e) the ONR is made responsible for their enforcement by paragraph (3AA).”.

(4) After paragraph (3A) insert—

“(3AA) Where the relevant requirements apply in relation to workers employed in premises which are or are on a relevant nuclear site, it shall be the duty of the ONR to enforce those requirements.”.

82.—(1) In paragraph 8 of Schedule 3 (restrictions on disclosure of information)—

(a) in sub-paragraph (3)—

- (i) in paragraph (a) after “the Commission” insert “ , the ONR ”;
- (ii) in paragraph (b) after “relevant statutory provisions” insert “ , relevant nuclear provisions ”;

(b) in sub-paragraph (4) after “the Commission” insert “ , the ONR ”;

(c) after sub-paragraph (4) insert—

“(4A) In sub-paragraph (3) a reference to the ONR also includes a reference to—

- (a) a person performing functions of the ONR on its behalf by virtue of section 95 of the 2013 Act;
- (b) an officer of a body which is so performing any such functions; and
- (c) a person appointed to provide advice to the ONR.”;

(d) in sub-paragraph (5)—

(i) in paragraph (a)—

- (aa) after “the Commission” insert “ , or the ONR ”;
- (bb) after “these Regulations” insert “ , the relevant nuclear provisions ”;

(ii) in paragraph (b) after “relevant statutory provisions” insert “ , the relevant nuclear provisions ”;

(iii) in paragraph (c) after “relevant statutory provisions” insert “ , the relevant nuclear provisions ”.

Control of Major Accident Hazards Regulations 1999

83. The Control of Major Accident Hazards Regulations 1999 ^{M14} are amended as follows.

Changes to legislation: There are currently no known outstanding effects for the The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014, PART 3. (See end of Document for details)

Marginal Citations

M14 S.I. 1999/743; amended by S.I. 1999/2597, S.I. 2002/2469, S.I. 2005/676, S.I. 2005/1088, S.I. 2008/736, S.I. 2008/960, S.I. 2008/1087, S.I. 2008/2337, S.I. 2013/235, S.I. 2013/755 and S.I. 2013/1471. There are other amending instruments but none is relevant to this Order.

84. In regulation 2(1) (interpretation)—

(a) for the definition of “competent authority” substitute—

““competent authority” means

(a) in relation to a nuclear establishment, the ONR and the appropriate agency acting jointly;

(b) otherwise, the Executive and the appropriate agency acting jointly.”;

(b) after the definition of “notify” insert—

““nuclear establishment” means an establishment which is or is wholly or partly within—

(a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013); or

(b) a new nuclear build site (within the meaning given in regulation 2A of the Health and Safety (Enforcing Authority) Regulations 1998);”;

(c) after the definition of “off-site emergency plan” insert—

““the ONR” means the Office for Nuclear Regulation;”.

85. In Regulation 7(11) (safety report) after “the Executive” insert “, the ONR ”.

86.—(1) Regulation 15 (provision of information to the competent authority) is amended as follows.

(2) In paragraph (4) after “Executive” insert “ or the ONR ”.

(3) For paragraph (5) substitute—

“(5) Anything required to be sent by an operator of an establishment to the competent authority pursuant to these Regulations shall be sent to the authority—

(a) at an office of the ONR in the case of a nuclear establishment;

(b) at an office of the Executive in the case of any other establishment.”.

87. After regulation 16(3) (provision of information to other establishments) insert—

“(4) The Executive, ONR and appropriate agency acting jointly shall, using the information received from operators in notifications sent pursuant to regulation 6 and in safety reports in their role as competent authority, designate groups of nuclear and other establishments where the likelihood or consequences of a major accident may be increased because of the location and proximity of the nuclear and other establishments in the group and the dangerous substances present there.

(5) The Executive, ONR and appropriate agency shall notify each operator of an establishment in a group designated pursuant to paragraph (4) of the names and addresses of the other establishments within the same group.

(6) Paragraph (3) applies to any operator of an establishment in a group designated pursuant to paragraph (4) as it applies to an operator of an establishment in a group designated pursuant to paragraph (1).”.

88. In Regulation 19(4) (inspections and investigations) for “or the Executive” substitute “, the Executive or the ONR ”.

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- 89.**—(1) Regulation 20 (enforcement) is amended as follows.
- (2) At the beginning of paragraph (6) insert “ Subject to section 18(1A) of the 1974 Act and paragraphs (6A) and (6B) but, ”.
- (3) After paragraph (6) insert—
- “(6A) Paragraph (6) does not apply in relation to any establishment which is a nuclear establishment.
- (6B) The ONR shall, for the purposes of the 1974 Act, be the enforcing authority for the relevant statutory provisions at an establishment which is a nuclear establishment.”.
- 90.**—(1) Regulation 22 (fee payable by operator) is amended as follows.
- (2) In paragraph (1) for “Executive” substitute “ appropriate authority ”.
- (3) In paragraph (2)—
- (a) in the opening words for “Executive” substitute “ appropriate authority ”;
- (b) in paragraphs (a) and (b) for “the Executive”, in each place in which it occurs, substitute “ that authority ”.
- (4) In paragraph (2A)—
- (a) for “the Executive”, in the first place in which it occurs, substitute “ the appropriate authority ”;
- (b) for “the Executive”, in each other place in which it occurs, substitute “ that authority ”.
- (5) In paragraph (3)(a) and (b) for “Executive”, in both places in which it occurs, substitute “ appropriate authority ”.
- (6) In paragraph (4) for “Executive” substitute “ appropriate authority ”.
- (7) In paragraph (7) after “the Executive” insert “ or the ONR ”.
- (8) After paragraph (8) insert—
- “(9) In this regulation “appropriate authority” means—
- (a) in relation to an establishment which is a nuclear establishment, the ONR;
- (b) otherwise, the Executive.”.

Pressure Equipment Regulations 1999

- 91.** The Pressure Equipment Regulations 1999 ^{M15} are amended as follows.

Marginal Citations

M15 [S.I. 1999/2001](#), amended by [S.I. 2002/1267](#), [S.I. 2004/693](#) and [S.I. 2008/960](#). There are other amending instruments but none is relevant to this Order.

- 92.** In regulation 2(2) (interpretation)—
- (a) before the definition of “assembly” insert—
- ““appropriate authority”—
- (a) insofar as these Regulations apply to—
- (i) the manufacture of pressure equipment or assemblies intended exclusively or primarily for use on a relevant nuclear site; or
- (ii) the putting into service of pressure equipment or assemblies on premises which are, or are on, a relevant nuclear site,

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means the Office for Nuclear Regulation;

- (b) otherwise, means the Health and Safety Executive established under section 10 of the Health and Safety at Work etc. Act 1974;”;
- (b) for paragraph (i) of sub-paragraph (a) of the definition of “enforcement authority” substitute—
 - “(i) in Great Britain, the appropriate authority and”;
- (c) after the definition of “relevant essential requirements” insert—
 - ““relevant nuclear site” means a site which is—
 - (a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013);
 - (b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998); or
 - (c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations).”.

93. In paragraph 1(a) of Schedule 8 (enforcement) for “Executive”, in both places in which it appears, substitute “appropriate authority”.

Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999

94. The Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999 ^{M16} are amended as follows.

Marginal Citations

M16 [S.I. 1999/2892](#); amended by the [Countryside and Rights of Way Act 2000 \(c.37\)](#), [section 73](#), [S.I. 2006/657](#), [S.I. 2008/960](#) and [S.I. 2013/755](#).

95. Subject to paragraphs 96 and 97, for “Executive” substitute “ONR” in each place occurring.

96. In regulation 2(1) (definitions)—

- (a) omit the definition of “the Executive”;
- (b) after the definition of “local planning authority” insert—
 - ““the ONR” means the Office for Nuclear Regulation;”.

97. In regulation 16(1) (enforcement) for “Health and Safety Executive” substitute “ONR”.

Ionising Radiations Regulations 1999

98. The Ionising Radiations Regulations 1999 ^{M17} are amended as follows.

Marginal Citations

M17 [S.I. 1999/3232](#); amended by [S.I. 2001/2975](#); there are other amending instruments but none is relevant to this Order.

99. In regulation 2(1) (interpretation) after the definition of “radioactive substance” insert—

““relevant authority” means—

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(a) in so far as these Regulations apply in relation to, or in relation to any activity carried out on, any nuclear premises, the Office for Nuclear Regulation;

(b) otherwise, the Executive.

“nuclear premises” means premises which are or are on—

(a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013);

(b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998);

(c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations); or

(d) a nuclear warship site (within the meaning given in regulation 2B of those Regulations).”.

100.—(1) In the provisions specified in paragraph (2) for “Executive” substitute “ relevant authority ” in each place occurring.

(2) The specified provisions are—

(a) regulation 21(3)(f);

(b) regulation 32(6);

(c) regulation 36(1)(b);

(d) regulation 37(1) and (2);

(e) regulation 39(8);

(f) paragraphs (5) and (8) of regulation 40;

(g) regulation 41(4);

(h) the heading for Schedule 3;

(i) paragraphs 13(c), 14(b), 18, 19, 20 and 22 of Part 2 of Schedule 4;

(j) note 1 to Part 1 of Schedule 8.

101.—(1) Regulation 5 (authorisation of specified practices) is amended as follows.

(2) In paragraphs (1), (2), (4), (5) and (7) for “Executive”, in each place it occurs, substitute “ appropriate authority ”.

(3) After paragraph (7) insert—

“(8) In this regulation “appropriate authority” means—

(a) in relation to practices carried out exclusively or primarily on nuclear premises, the ONR;

(b) otherwise, the Executive.”.

102.—(1) Regulation 6 (notification of specified practices) is amended as follows.

(2) For “Executive”, in each place it occurs, substitute “ appropriate authority ”.

(3) After paragraph (9) insert—

“(10) In this regulation “appropriate authority” means—

(a) in relation to practices carried out exclusively or primarily on premises which are or are on—

(i) an authorised defence site;

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- (ii) a new nuclear build site;
- (iii) a nuclear warship site,
- the ONR;
- (b) otherwise, the Executive.”.

103.—(1) Regulation 22 (estimated doses and special entries) is amended as follows.

(2) In paragraphs (6), (7) and (8) for “Executive”, in each it occurs, substitute “ appropriate authority ”

(3) After paragraph (8) insert—

“(9) In this regulation “appropriate authority” means—

- (a) in relation to a classified person employed wholly or mainly on nuclear premises, the ONR;
- (b) otherwise, the Executive.”.

104.—(1) Regulation 25 (investigation and notification of overexposure) is amended as follows.

(2) In paragraph (1)(a)(i) for “Executive” substitute “ appropriate authority ”.

(3) After paragraph (3) insert—

“(4) In this regulation “appropriate authority” means—

- (a) in relation to overexposure as a result of work carried out on nuclear premises, the ONR;
- (b) otherwise, the Executive.”.

Radiation (Emergency Preparedness and Public Information) Regulations 2001

105.—(1) The Radiation (Emergency Preparedness and Public Information) Regulations 2001^{M18} are amended as follows.

(2) After regulation 18(A)(a) (modifications relating to the Office of Rail Regulation) insert—

“(aa) regulation 18B (modifications relating to the Office for Nuclear Regulation);”

(3) After regulation 18A insert—

“Modifications relating to the Office for Nuclear Regulation

18B.—(1) Subject to paragraph (2), in so far as these Regulations apply in relation to any premises, or in relation to any activity carried out on premises, which are, or are on, a relevant nuclear site, they have effect as if any reference to the Executive were a reference to the Office for Nuclear Regulation.

(2) Paragraph (1) does not apply to—

- (a) the definition of “the Executive” in regulation 2(1) (interpretation);
- (b) regulation 18A (modifications relating to the Office of Rail Regulation);
- (c) regulation 20 (transitional provisions);
- (d) note 6 at the end of Part 1 of Schedule 4 (specified quantities for the transport of radionuclides).

(4) In this regulation “relevant nuclear site” means a site which is—

- (a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013);

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- (b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998);
- (c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations); or
- (d) a nuclear warship site (within the meaning given in regulation 2B of those Regulations).”.

Marginal Citations

M18 [S.I. 2001/2975](#); amended by [S.I. 2006/557](#): there are other amending instruments but none is relevant to this Order.

Control of Lead at Work Regulations 2002

106.—(1) The Control of Lead at Work Regulations 2002 ^{M19} are amended as follows.

(2) In regulation 2(1) (interpretation) after the definition of “appointed doctor” insert—

““appropriate authority” means—

- (a) in relation to a record which relates to employment wholly or mainly on—
 - (i) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013);
 - (ii) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998); or
 - (iii) a new nuclear build site (within the meaning given in regulation 2A of those Regulations), the Office for Nuclear Regulation;
- (b) otherwise, the Executive.”.

(3) In regulation 9 (air monitoring) in paragraph (6)(b) for “Executive” substitute “ appropriate authority ” in each place it occurs.

(4) In regulation 10 (medical surveillance) in paragraph (6)(b) for “Executive” substitute “ appropriate authority ” in each place it occurs.

(5) In regulation 15 (revocation and savings)—

- (a) in paragraph (2) for “Executive” substitute “ relevant authority ”;
- (b) after paragraph (2) insert—

“(3) In this regulation “relevant authority” means—

- (a) where it is the enforcing authority for the purposes of these Regulations, the Office for Nuclear Regulation;
- (b) otherwise, the Executive.”.

Marginal Citations

M19 [S.I. 2002/2676](#), to which there are amendments not relevant to this Order.

Control of Substances Hazardous to Health Regulations 2002

107.—(1) The Control of Substances Hazardous to Health Regulations 2002 ^{M20} are amended as follows.

(2) In regulation 2(1) (interpretation) after the definition of “appointed doctor” insert—

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““appropriate authority” means—

- (a) in relation to a record which relates to employment wholly or mainly on—
 - (i) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013);
 - (ii) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998); or
 - (iii) a new nuclear build site (within the meaning given in regulation 2A of those Regulations), the Office for Nuclear Regulation;
- (b) otherwise, the Executive.”.

(3) In regulation 10 (monitoring exposure at the workplace) in paragraph (7)(b) for “Executive” substitute “ appropriate authority ” in each place it occurs.

(4) In regulation 11 (health surveillance) in paragraph (4)(b) for “Executive” substitute “ appropriate authority ” in each place it occurs.

(5) In regulation 18 (revocation and savings)—

- (a) in paragraph (2) for “Executive” substitute “ relevant authority ”;
- (b) after paragraph (2) insert—

“(3) In this regulation “relevant authority” means—

- (a) where it is the enforcing authority for the purposes of these Regulations, the Office for Nuclear Regulation;
- (b) otherwise, the Executive.”.

Marginal Citations

M20 [S.I. 2002/2677](#), to which there are amendments not relevant to this Order.

Ammonium Nitrate Materials (High Nitrate Content) Safety Regulations 2003

108.—(1) Regulation 11 of the Ammonium Nitrate Materials (High Nitrate Content) Safety Regulations 2003 ^{M21} (enforcing authorities) is amended as follows.

(2) In paragraphs (1), (2) and (3) for “paragraph (4)” substitute “ paragraph (4) or (5) ”.

(3) At the start of paragraph (4) insert “ Subject to paragraph (5), ”.

(4) After paragraph (4) insert—

“(5) It shall be the duty of the Office for Nuclear Regulation to enforce these Regulations (including compliance by any person with any conditions imposed on that person by or under regulation 10(2)) as they apply on, or in relation to, any site, or any activities carried out on a site, which is—

- (a) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998); or
- (b) a new nuclear build site (within the meaning given in regulation 2A of those Regulations).

(6) Nothing in this regulation affects the application of section 18(1A) of the Health and Safety at Work etc. Act 1974.”.

Changes to legislation: There are currently no known outstanding effects for the The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014, PART 3. (See end of Document for details)

Marginal Citations

M21 [S.I. 2003/1082](#), to which there are amendments not relevant to this Order.

Justification of Practices Involving Ionising Radiation Regulations 2004

109.—(1) The Justification of Practices Involving Ionising Radiation Regulations 2004 ^{M22} are amended as follows.

(2) In regulation 18 (consultation) after paragraph (1)(a)(i) insert—

“(ia) the Office for Nuclear Regulation;”.

(3) In regulation 22 (contravention notices) after paragraph (3)(b) insert—

“(ba) the Office for Nuclear Regulation;”.

Marginal Citations

M22 [S.I. 2004/1769](#), amended by [S.I. 2013/235](#) and [S.I. 2013/1821](#): there are other amending instruments but none is relevant to this Order.

Manufacture and Storage of Explosives Regulations 2005

110. [^{F5}The Manufacture and Storage of Explosives Regulations 2005 ^{M23} are amended as follows.

F5 Sch. 3 paras. 110-122 revoked (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), [reg. 1\(1\)](#), [Sch. 14 Pt. 2](#)

Marginal Citations

M23 [S.I. 2005/1082](#), amended by [S.I. 2009/693](#): there are other amending instruments but none is relevant to this Order.

111. In regulation 2 (interpretation)—

(a) in paragraph (1) after the definition of “non-sensitised” insert—

““the ONR” means the Office for Nuclear Regulation;

“ONR regulated site” has the meaning given in paragraph (1A);”;

(b) after paragraph (1) insert—

“(1A) A site is an ONR regulated site if it, or any part of it, is—

(a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013),

(b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998, or

(c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations).”.

F5 Sch. 3 paras. 110-122 revoked (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), [reg. 1\(1\)](#), [Sch. 14 Pt. 2](#)

112. After regulation 3(4)(a) (application) insert—

Changes to legislation: There are currently no known outstanding effects for the *The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014, PART 3*. (See end of Document for details)

“(aa) the ONR;”.

F5 Sch. 3 paras. 110-122 revoked (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), [reg. 1\(1\)](#), [Sch. 14 Pt. 2](#)

113. In regulation 5(2)(b) (separation distances) after “Executive” insert “ or the ONR ”.

F5 Sch. 3 paras. 110-122 revoked (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), [reg. 1\(1\)](#), [Sch. 14 Pt. 2](#)

114.—(1) Regulation 11 (registration in relation to storage) is amended as follows.

(2) In paragraph (4A) for “or the Executive” substitute “ , the Executive or the ONR ”.

(3) In paragraph (9A) for “or the Executive” substitute “ , the Executive or the ONR ”.

F5 Sch. 3 paras. 110-122 revoked (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), [reg. 1\(1\)](#), [Sch. 14 Pt. 2](#)

115. After regulation 11 insert—

“Sites which cease to be an ONR regulated site – effect on registration

11A.—(1) Where this regulation applies a registration granted by, or treated as granted by, the ONR is to be treated on and after the relevant date as a registration granted by the relevant licensing authority.

(2) This regulation applies where—

- (a) the site in respect of which the registration was granted ceases to be an ONR regulated site; and
- (b) the registration mentioned in sub-paragraph (a) remained in force immediately before the date on which the site ceased to be an ONR regulated site.

(3) In this regulation—

- (a) “relevant date” means, in relation to a site, the date on which the site ceased to be an ONR regulated site;
- (b) “relevant licensing authority” means the licensing authority for that site determined in accordance with Schedule 1.

Sites which become an ONR regulated site – effect on registration

11B.—(1) Where this regulation applies a registration granted by, or treated as granted by, a licensing authority (other than the ONR) is to be treated on and after the relevant date as a registration granted by the ONR.

(2) This regulation applies where—

- (a) the site in respect of which the registration was granted becomes an ONR regulated site; and
- (b) the registration mentioned in sub-paragraph (a) remained in force immediately before the date on which the site became an ONR regulated site.

(3) In this regulation “relevant date” means, in relation to a site, the date on which the site became an ONR regulated site.”.

F5 Sch. 3 paras. 110-122 revoked (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), reg. 1(1), [Sch. 14 Pt. 2](#)

116.—(1) Regulation 13 (grant of licences) is amended as follows.

(2) In paragraph (1)(b) for “or the Executive” substitute “, the Executive or the ONR ”.

(3) In paragraph (3)—

(a) in the opening words after “Executive” insert “ or the ONR ”;

(b) after “and the Executive” insert “ or, as the case may be, the ONR ”.

(4) In paragraph (4)(a) after “Executive” insert “ or the ONR ”.

(5) After paragraph (4) insert—

“(4A) In paragraph (4)(d)(ii) the reference to the Executive is to be read, in relation to an application relating to manufacture or storage of explosives on, or within any part of, a site which is an ONR regulated site, as a reference to the ONR.”.

(6) In paragraph (6)—

(a) in the opening words after “Executive” insert “ or the ONR ”;

(b) in each of sub-paragraphs (a) and (b) after “Executive” insert “ or, as the case may be, the ONR ”.

(7) In paragraph (9)(b) for “or the Executive” substitute “, the Executive or the ONR ”.

F5 Sch. 3 paras. 110-122 revoked (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), reg. 1(1), [Sch. 14 Pt. 2](#)

117. After regulation 13 insert—

“Licences for sites which cease to be ONR regulated sites

13A.—(1) Where this regulation applies a licence granted by, or treated as granted by, the ONR is to be treated on and after the relevant date as a licence granted by the relevant licensing authority.

(2) This regulation applies where—

(a) the site in respect of which the licence was granted ceases to be an ONR regulated site; and

(b) the licence mentioned in sub-paragraph (a) remained in force immediately before the date on which the site ceased to be an ONR regulated site.

(3) In this regulation—

(a) “relevant date” means, in relation to a site, the date on which the site ceased to be an ONR regulated site;

(b) “relevant licensing authority” means the licensing authority for the site determined in accordance with Schedule 1.

Licences for sites which become ONR regulated sites

13B.—(1) Where this regulation applies a licence granted by, or treated as granted by, a licensing authority (other than the ONR) is to be treated on and after the relevant date as a licence granted by the ONR.

(2) This regulation applies where—

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- (a) the site in respect of which the licence was granted becomes an ONR regulated site; and
 - (b) the licence mentioned in sub-paragraph (a) remained in force immediately before the date on which the site became an ONR regulated site.
- (3) In this regulation “relevant date” means, in relation to a site, the date on which the site became an ONR regulated site.”.

F5 Sch. 3 paras. 110-122 revoked (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), [reg. 1\(1\)](#), [Sch. 14 Pt. 2](#)

- 118.**—(1) Regulation 14 (local authority assent) is amended as follows.
- (2) In paragraph (1) for “Executive”, in both places it appears, substitute “ appropriate authority ”.
 - (3) In paragraph (8)(c) for “Executive” substitute “ appropriate authority ”.
 - (4) In paragraph (9) for “Executive” substitute “ appropriate authority ”.
 - (5) In paragraph (10)—
 - (a) in each of sub-paragraphs (a) and (b) for “Executive” substitute “ appropriate authority ”;
 - (b) in the full-out words for “Executive” substitute “ appropriate authority ”.
 - (6) After paragraph (13) insert—
 - “(14) In this regulation “appropriate authority” means—
 - (a) where the application is made to the Executive, the Executive;
 - (b) where the application is made to the ONR, the ONR.”.

F5 Sch. 3 paras. 110-122 revoked (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), [reg. 1\(1\)](#), [Sch. 14 Pt. 2](#)

- 119.**—(1) Regulation 16 (variation of licences) is amended as follows.
- (2) In paragraph (1)(b) after “Executive” insert “ or the ONR ”.
 - (3) In paragraph (3) after “Executive” insert “ or the ONR ”.
 - (4) In paragraph (4) after “Executive” insert “ or (as the case may be) the ONR ”.

F5 Sch. 3 paras. 110-122 revoked (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), [reg. 1\(1\)](#), [Sch. 14 Pt. 2](#)

- 120.**—(1) Regulation 23 (defences) is amended as follows.
- (2) In paragraph (1)(d) for “Executive” substitute “ appropriate authority ”.
 - (3) After paragraph (1) insert—
 - “(1A) In paragraph (1) “appropriate authority” means—
 - (a) in the case of a licence granted by the ONR, the ONR;
 - (b) otherwise, the Executive.”.

F5 Sch. 3 paras. 110-122 revoked (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), [reg. 1\(1\)](#), [Sch. 14 Pt. 2](#)

Changes to legislation: There are currently no known outstanding effects for the *The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014, PART 3*. (See end of Document for details)

121. In Schedule 1 (licensing authority)—

- (a) in paragraph 1 for “paragraphs 2 and 3” substitute “ paragraphs 2 to 4 ”.
- (b) after paragraph 3 insert—

“4. The ONR shall be the licensing authority in relation to any application for registration in relation to storage, or for a licence for the manufacture or storage of, explosives on an ONR regulated site.”.

F5 Sch. 3 paras. 110-122 revoked (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), [reg. 1\(1\)](#), [Sch. 14 Pt. 2](#)

122. In Schedule 4 (registers) in paragraph 8 after “local authority” insert “ or the ONR ”.]

F5 Sch. 3 paras. 110-122 revoked (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), [reg. 1\(1\)](#), [Sch. 14 Pt. 2](#)

Control of Vibration at Work Regulations 2005

123. In regulation 2(1) of the Control of Vibration at Work Regulations 2005^{M24} for the definition of “enforcing authority” substitute—

““enforcing authority” means the Executive, the Office for Nuclear Regulation, local authority or Office of Rail Regulation determined in accordance with—

- (a) section 18(1A) of the Health and Safety at Work etc. Act 1974;
- (b) the provisions of the Health and Safety (Enforcing Authority) Regulations 1998; and
- (c) the provisions of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006.”.

Marginal Citations

M24 [S.I. 2005/1093](#). There are amendments to the Regulations which are not relevant to this Order.

Regulatory Reform (Fire Safety) Order 2005

124. For article 4(2)(b) of the Regulatory Reform (Fire Safety) Order 2005^{M25} substitute—

- “(b) are required to be taken or observed to ensure any compliance with any requirement of—
 - (i) the relevant statutory provisions within the meaning given in Part 1 of the Health and Safety at Work etc. Act 1974;
 - (ii) sections 1, 3 to 6, 22 and 24A of the Nuclear Installations Act 1965;
 - (iii) the provisions of Part 3 of the Energy Act 2013;
 - (iv) the provisions of nuclear regulations other than any provisions of such regulations identified in accordance with section 74(9) of the Energy Act 2013 as made for the nuclear safeguards purposes;”.

Marginal Citations

M25 [S.I. 2005/1541](#); to which there are amendments not relevant to this Order.

Changes to legislation: There are currently no known outstanding effects for the The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014, PART 3. (See end of Document for details)

Control of Noise at Work Regulations 2005

125. In regulation 2(1) of the Control of Noise at Work Regulations 2005 ^{M26} for the definition of “enforcing authority” substitute—

““enforcing authority” means the Executive, the Office for Nuclear Regulation, local authority or Office of Rail Regulation determined in accordance with—

- (a) section 18(1A) of the Health and Safety at Work etc. Act 1974;
- (b) the provisions of the Health and Safety (Enforcing Authority) Regulations 1998; and
- (c) the provisions of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006.”.

Marginal Citations

M26 [S.I. 2005/1643](#); to which there are amendments not relevant to this Order.

Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006

126.—(1) The Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006 ^{M27} are amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of “miniature railway” insert—

““the ONR” means the Office for Nuclear Regulation;”;

(b) omit the definition of “nuclear licensed site”.

(3) In regulation 3(6) (enforcing authority) after “regulations 5” insert “, 5A ”.

(4) For sub-paragraph (f) of regulation 4(3)(exceptions) substitute—

“(f) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013);”.

(5) After regulation 5 insert—

“Assignment of responsibility for enforcement in cases of uncertainty: the Office of Rail Regulation and the ONR

5A.—(1) This regulation applies where there is uncertainty as to what are the respective responsibilities of the Office of Rail Regulation and the ONR by virtue of regulations made under sections 15 or 18(2) of the 1974 Act for the enforcement of—

- (a) section 6 of the 1974 Act in respect of any particular article for use at work or substance; or
- (b) any other relevant statutory provision in respect of any particular site or any activity carried on there.

(2) The responsibility for enforcing the relevant statutory provision in question in the respect in question may be assigned by the Office of Rail Regulation and the ONR (acting jointly) to the Office of Rail Regulation or the ONR.

(3) An assignment under paragraph (2) may be made only where the Office of Rail Regulation and the ONR agree—

- (a) that there is uncertainty in the particular case as to what are their respective responsibilities by virtue of regulations made under section 15 or 18(2) of the 1974 Act; and

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- (b) which authority is more appropriate to be responsible for enforcement in that case.
- (4) Where an assignment is made under paragraph (2), the authority to which responsibility is assigned must give notice of the assignment to any person affected by it.”.

Marginal Citations

M27 [S.I. 2006/557](#), amended by [S.I. 2006/2739](#), [S.I. 2007/1573](#), [S.I. 2008/2323](#) and [S.I. 2012/632](#); there are other amending instruments but none is relevant to this Order.

Construction (Design and Management) Regulations 2007

127.—(1) The Construction (Design and Management) Regulations 2007 ^{M28} are amended as follows.

(2) In regulation 19(1)(c) (additional duties of contractors) after “the Office of Rail Regulation” insert “ or the Office for Nuclear Regulation ”.

(3) In regulation 21 (notification of project by CDM co-ordinator) after paragraph (4) insert—

“(5) Insofar as the project includes construction work on premises which are or are on—

- (a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013);
- (b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998); or
- (c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations),

paragraphs (1) and (2) shall have effect as if any reference to the Executive were a reference to the Office for Nuclear Regulation.”.

(4) In the heading to Schedule 1, after “REGULATION” insert “ OR OFFICE FOR NUCLEAR REGULATION ”.

Marginal Citations

M28 [S.I. 2007/320](#), to which there are amendments not relevant to this Order.

Supply of Machinery (Safety) Regulations 2008

128. The Supply of Machinery (Safety) Regulations 2008 ^{M29} are amended as follows.

Marginal Citations

M29 [S.I. 2008/1597](#), to which there are amendments not relevant to this Order.

129.—(1) Regulation 2(2) (interpretation) is amended as follows.

(2) In the definition of “enforcement authority”—

(a) in sub-paragraph (a) after “(b)” insert “ and (ba) ”.

(b) after sub-paragraph (b) insert—

“(ba) the Office for Nuclear Regulation in relation to—

- (i) machinery and partly completed machinery which is intended exclusively or primarily for use on a relevant nuclear site; or

Changes to legislation: There are currently no known outstanding effects for the The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014, PART 3. (See end of Document for details)

(ii) putting machinery into service on such a site.”.

(3) After the definition of “put into service” insert—

““relevant nuclear site” means a site which is—

- (a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013);
- (b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998); or
- (c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations);”.

(4) In regulation 21(2)(a) (non-compliance with CE marking) after “Executive” insert “ , the Office for Nuclear Regulation ”.

130.—(1) Schedule 5 (enforcement) is amended as follows.

(2) In paragraphs 1 and 2 for “paragraph 3” substitute “ paragraphs 3 and 3A ”.

(3) After paragraph 3 insert—

“**3A.** It shall be the duty of the Office for Nuclear Regulation to make adequate arrangements for the enforcement of these Regulations in relation to—

- (a) machinery, or partly completed machinery, which is intended exclusively or primarily for use on a relevant nuclear site; or
- (b) putting machinery into service on such a site.”.

(4) In the heading before paragraph 7 after “Executive” insert “ , the Office for Nuclear Regulation ”.

(5) In paragraph 7 after “Executive” insert “ , the Office for Nuclear Regulation ”.

(6) In paragraph 8—

- (a) in the opening words; and
- (b) sub-paragraph (c),

after “Executive” insert “ , the Office for Nuclear Regulation ”.

REACH Enforcement Regulations 2008

131. The REACH Enforcement Regulations 2008 ^{M30} are amended as follows.

Marginal Citations

M30 [S.I. 2008/2852](#), amended by [S.I. 2012/1513](#) and [S.I. 2013/2919](#): there are other amending instruments but none is relevant to this Order.

132. Regulation 2(2) (interpretation) is amended as follows—

(a) in the definition of “enforcing authority” after paragraph (fa) insert—

“(fb) the Office for Nuclear Regulation;”;

(b) after the definition of “offshore installation” insert—

““relevant nuclear site” means a site which is—

- (a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013);
- (b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998); or

- (c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations).”.

133. In regulation 3(2) (enforcement) for “regulation 6” substitute “ regulations 3A and 6 ”.

134. After regulation 3 insert—

“Enforcement: relevant nuclear sites

3A.—(1) This regulation applies where the Office for Nuclear Regulation is named in any column of the REACH table against any listed REACH provision.

(2) The enforcement duty, so far as it relates to that provision of REACH, in relation to anything done or omitted to be done, on a relevant nuclear site—

- (a) applies to the Office for Nuclear Regulation;
- (b) does not apply to any other enforcing authority.

(3) No enforcement duty applies to the Office for Nuclear Regulation except as provided by this regulation.

(4) Paragraph (5) applies where there is uncertainty as to what are the respective responsibilities of the Office for Nuclear Regulation and any other enforcing authority or enforcing authorities for the enforcement of any listed REACH provision in respect of any particular circumstances.

(5) The responsibility for enforcing the relevant listed REACH provision in that respect may be assigned by the Office for Nuclear Regulation and the other enforcing authority or enforcing authorities to—

- (a) the Office for Nuclear Regulation; or
- (b) any other enforcing authority or enforcing authorities.

(6) An assignment may only be made under paragraph (5)—

- (a) by the Office for Nuclear Regulation and the other enforcing authority or all the other enforcing authorities acting jointly;
- (b) where the Office for Nuclear Regulation and the other enforcing authority or all the other enforcing authorities agree—
 - (i) that there is uncertainty in the particular circumstances as to what are their respective responsibilities in relation to enforcement of the listed REACH provision in question; and
 - (ii) which authority is, or authorities are (as the case may be), more appropriate to be responsible for the enforcement in those circumstances.

(7) Where such an assignment is made, the authority or authorities to which responsibility is assigned must give notice of the assignment to persons affected by it.

(8) Nothing in this regulation affects the power of the Office for Nuclear Regulation and any other enforcing authority to agree arrangements under regulation 5(2).”.

135. In regulation 6(4) (health and safety enforcement) after “varied by” insert “ an assignment made in accordance with regulation 3A or ”.

136. In regulation 17(1) (appearance of authorised persons before a court of summary jurisdiction)—

- (a) omit “or” at the end of sub-paragraph (a);
- (b) after sub-paragraph (b) insert—

“or

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(c) the Office for Nuclear Regulation.”.

137. In regulation 21(2)(b) (appeals against notices) after “Northern Ireland” insert “, Office for Nuclear Regulation.”

138. In the table in Schedule 1 (table of REACH provisions) in the entries relating to each of the following REACH provisions, in the third and fourth columns (enforcing authorities for England and Wales and Scotland), after “The Health and Safety Executive” insert “ The Office for Nuclear Regulation ”

- (a) Article 9(6);
- (b) Article 14(6);
- (c) Article 33(1);
- (d) Article 33(2);
- (e) Article 35;
- (f) the first entry relating to Article 36(1);
- (g) Article 37(4);
- (h) both entries relating to Article 37(5);
- (i) Article 37(6);
- (j) Article 38(1);
- (k) Article 38(3);
- (l) Article 56(1);
- (m) Article 56(2);
- (n) Article 60(10);
- (o) Article 67(1).

139. In Schedule 2 (functions of enforcing authorities) in paragraph 2 after “Northern Ireland” insert “, the Office for Nuclear Regulation ”.

140.—(1) Part 2 of Schedule 6 (powers of enforcement) is amended as follows.

(2) In the heading after “the Office of Rail Regulation” insert “, the Office for Nuclear Regulation ”.

(3) In paragraph 9 for “Executive”, in each place in which it occurs, substitute “ appropriate authority ”.

(4) After paragraph 9A insert—

“**9B.** For the purposes of this section of this Schedule “the appropriate authority” means—

- (a) in Great Britain—
 - (i) in relation to a relevant nuclear site, the Office for Nuclear Regulation;
 - (ii) otherwise, the Health and Safety Executive;
- (b) in Northern Ireland, the Health and Safety Executive for Northern Ireland.”.

141.—(1) Section 3 of Schedule 7 (authorisations) is amended as follows.

(2) In the heading after “Office of Rail Regulation” insert “, the Office for Nuclear Regulation ”.

(3) In paragraph 3—

- (a) omit “or” after sub-paragraph (b);

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(b) after sub-paragraph (c) insert—

“; or

(c) the Office for Nuclear Regulation.”.

142.—(1) Part 2 of Schedule 8 (appeals) is amended as follows.

(2) In the heading after “Northern Ireland” insert “, the Office for Nuclear Regulation”.

(3) After paragraph 2(a) insert—

“(aa) the Office for Nuclear Regulation;”.

Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008

^{F6}**143.**

F6 Sch. 3 para. 143 revoked (31.12.2020) by The Transfrontier Shipment of Radioactive Waste and Spent Fuel (EU Exit) Regulations 2019 (S.I. 2019/156), regs. 1, 17(1)(c); 2020 c. 1, Sch. 5 para. 1(1)

Control of Artificial Optical Radiation at Work Regulations 2010

144. In regulation 1 of the Control of Artificial Optical Radiation at Work Regulations 2010 ^{M31} (citation, commencement and interpretation) for the definition of “enforcing authority” substitute—

““enforcing authority” means the Health and Safety Executive, the Office for Nuclear Regulation, local authority or Office of Rail Regulation determined in accordance with—

- (a) section 18(1A) of the Health and Safety at Work etc. Act 1974;
- (b) the provisions of the Health and Safety (Enforcing Authority) Regulations 1998; and
- (c) the provisions of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006.”.

Marginal Citations

M31 S.I. 2010/1140.

Control of Asbestos Regulations 2012

145.—(1) The Control of Asbestos Regulations 2012 ^{M32} are amended as follows.

(2) In Regulation 2 (interpretation)—

(a) for the definition of “enforcing authority” substitute—

““enforcing authority” means the Executive, the Office for Nuclear Regulation, local authority or Office of Rail Regulation determined in accordance with—

- (a) section 18(1A) of the Health and Safety at Work etc. Act 1974;
- (b) the provisions of the Health and Safety (Enforcing Authority) Regulations 1998; and
- (c) the provisions of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006;”;

(b) after the definition of “relevant doctor” insert—

““relevant nuclear premises” means premises which are, or are on—

- (a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013),

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- (b) authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998),
 - (c) a nuclear new build site (within the meaning given in regulation 2A of those Regulations);”.
- (3) In regulation 19 (air monitoring)—
- (a) in paragraph (5)(b) for “Executive”, in both places in which it occurs, substitute “appropriate authority”;
 - (b) after paragraph (5) insert—
 - “(6) In this regulation “the appropriate authority” means—
 - (a) in relation to any record which relates to employment wholly or mainly on relevant nuclear premises, the Office for Nuclear Regulation,
 - (b) otherwise, the Executive.”.
- (4) In regulation 22 (health records and medical surveillance)—
- (a) in paragraph (8)(b) for “Executive”, in both places in which it occurs, substitute “appropriate authority”;
 - (b) after paragraph (8) insert—
 - “(8A) In paragraph (8) “the appropriate authority” has the same meaning as in regulation 19.”.
- (5) In regulation 33 (revocation and savings)—
- (a) in paragraph (3) for “Executive” substitute “appropriate authority”;
 - (b) after paragraph (3) insert—
 - “(4) In this regulation “the appropriate authority” means—
 - (a) in any case in which it is the enforcing authority for these Regulations, the Office for Nuclear Regulations;
 - (b) otherwise, the Executive.”.

Marginal Citations

M32 [S.I. 2012/632](#).

Identification and Traceability of Explosives Regulations 2013

146.—^{F7}(1) Regulation 8 of the Identification and Traceability of Explosives Regulations 2013 ^{M33} is amended as follows.

- (2) After paragraph (2) insert—
 - “(2A) Despite paragraphs (1) and (2), the Office for Nuclear Regulation is the enforcing authority for—
 - (a) regulation 5 to the extent that it imposes requirements on manufacturers who—
 - (i) are established in Great Britain; and
 - (ii) manufacture explosives on an ONR regulated site;
 - (b) the remainder of these Regulations as they apply on, or in relation to, a site which is an ONR regulated site.”.
- (3) In paragraph (3), after the definition of “chief officer of police” insert—

Changes to legislation: There are currently no known outstanding effects for the The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014, PART 3. (See end of Document for details)

““ONR regulated site” means a site in Great Britain which is or forms part of—

- (a) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998); or
 - (b) a nuclear new build site (within the meaning given in regulation 2A of those Regulations).”.
- (4) After paragraph (3) insert—
- “(4) This regulation is subject to section 18(1A) of the Health and Safety at Work etc. Act 1974.”.]

F7 Sch. 3 para. 146 revoked (E.W.S.) (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), reg. 1(1), **Sch. 14 Pt. 2**

Marginal Citations

M33 [S.I. 2013/449](#)

Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013

147.—(1) Regulation 9 of the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 ^{M34} (allocation of enforcement responsibility) is amended as follows.

(2) In paragraph (1) for “paragraphs (2) to (6)” substitute “ section 18(1A) of the 1974 Act and to paragraphs (2) to (7) ”.

(3) In paragraph (5) before “paragraph (6)” insert “ section 18(1A) of the 1974 Act and ”.

(4) After paragraph (6) insert—

“(7) Paragraph (6) does not apply in relation to any use which occurs on premises which are or are on—

- (a) an authorised defence site (within the meaning given in regulation 2(1) of the 1998 Regulations);
- (b) a new nuclear build site (within the meaning given in regulation 2A of those Regulations).”.

Marginal Citations

M34 [S.I. 2013/1506](#).

Changes to legislation:

There are currently no known outstanding effects for the The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014, PART 3.