

2013 No. 448

HEALTH AND SAFETY

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

<i>Made</i>	- - - -	<i>27th February 2013</i>
<i>Laid before Parliament</i>		<i>4th March 2013</i>
<i>Coming into force</i>	- -	<i>6th April 2013</i>

The Secretary of State makes these Regulations—

(a) in exercise of the powers conferred by sections 15(1) and (3)(a) and 49(1) and (4) of the Health and Safety at Work etc. Act 1974(a) (“the 1974 Act”); and

(b) for the purpose of giving effect without modification to proposals submitted by the Health and Safety Executive under section 11(3) of the 1974 Act, the Executive having carried out consultations in accordance with section 50(3) of the 1974 Act.

Citation and commencement

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

Repeals and revocations

2.—(1) The primary legislation referred to in column 1 of Tables 1 and 3 of the Schedule is repealed to the extent specified in the corresponding entry in column 3 of those tables.

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

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

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

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

(a) 1974 c. 37; section 11 is substituted by S.I. 2008/960, sections 15(1), 49(4) and 50(3) are amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraphs 6 and 16 respectively and section 50(3) is further amended by the Health Protection Agency Act 2004 (c. 17), Schedule 3, paragraph 5(1) and (3) and by S.I. 2008/960.

(b) S.I. 1990/304, to which there are amendments not relevant to these Regulations.

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

(3) In regulation 2(3)—

- (i) after the words “the total quantity of dangerous substances” insert “or relevant ammonium nitrate mixtures”;
- (ii) for “such substances” substitute “dangerous substances or relevant ammonium nitrate mixtures”; and
- (iii) after “any dangerous substances” insert “or relevant ammonium nitrate mixtures”.

(4) After regulation 4(3), insert—

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

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

(6) Where a change specified in paragraph 1 or 2 of Part II of Schedule 2 has been notified under paragraph (5), any resumption in the presence of a total quantity of 150 tonnes or more of relevant ammonium nitrate mixtures at the site shall be subject to a fresh notification under paragraph (4).”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) dock premises, not being work done—

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

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

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

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

(3) After regulation 3(5), add—

“(6) For the purposes of this regulation—

(a) “dock premises” means any dock, wharf, quay, jetty or other place at which ships load or unload goods or embark or disembark passengers, together with neighbouring land or water which is used or occupied, or intended to be used or occupied, for those or incidental activities, and any part of a ship when used for those or incidental activities;

(b) “relevant operations” means, in relation to a ship, its repairing, refitting, painting and finishing, the scaling, scurfing or cleaning of its boilers (including combustion chambers or smoke boxes) and the cleaning of its bilges or oil-fuel tanks or any of its tanks last used for carrying oil;

(c) “ship” includes all vessels and hovercraft which operate on water or land and water;

(d) “shipyard” means any yard or dry dock (including the precincts thereof) in which ships or vessels are constructed, reconstructed, repaired, refitted or finished; and

(e) “vessel” means any description of craft used for the transport of goods or passengers or the storage of goods or the accommodation of passengers on water, whether used in navigation or not.”.

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

27th February 2013

Mark Hoban
Minister of State
Department for Work and Pensions

SCHEDULE

Regulation 2

Table 1

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

Repeals

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Short title</i>	<i>Chapter</i>	<i>Extent of repeal</i>
The Celluloid and Cinematograph Film Act 1922	c. 35	The whole Act
The Factories Act 1961	c. 34	Section 39(2)

Table 2**Revocations**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Title</i>	<i>Reference</i>	<i>Extent of revocation</i>
The Gasholders (Record of Examinations) Order 1938	1938/598	The whole Order
The Shipbuilding and Ship-repairing Regulations 1960	1960/1932	The whole Regulations
The Celluloid and Cinematograph Film Act 1922 (Repeals and Modifications) Regulations 1974	1974/1841	The whole Regulations
The Celluloid and Cinematograph Film Act 1922 (Exemptions) Regulations 1980	1980/1314	The whole Regulations
The Gasholders and Steam Boilers Regulations (Metrication) Regulations 1981	1981/687	The whole Regulations
The Locomotives etc. Regulations 1906 (Metrication) Regulations 1981	1981/1327	The whole Regulations
The Notification of Installations Handling Hazardous Substances Regulations 1982	1982/1357	The whole Regulations
The Docks, Shipbuilding etc. (Metrication) Regulations 1983	1983/644	The whole Regulations
The Construction (Head Protection) Regulations 1989	1989/2209	The whole Regulations
The Notification of Installations Handling Hazardous Substances (Amendment) Regulations 2002	2002/2979	The whole Regulations
The Notification of Conventional Tower Cranes Regulations 2010	2010/333	The whole Regulations
The Notification of Conventional Tower Cranes (Amendment) Regulations 2010	2010/811	The whole Regulations

Table 3**Consequential repeals**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Short title</i>	<i>Chapter</i>	<i>Extent of repeal</i>
The Petroleum (Consolidation) Act 1928	c. 32	Section 25A(1)(b)
The Health and Safety at Work etc. Act 1974	c. 37	In Schedule 1 the entry relating to the Celluloid and Cinematograph Film Act 1922

Table 4**Consequential revocations**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Title</i>	<i>Reference</i>	<i>Extent of revocation</i>
The Petroleum-Spirit (Motor Vehicles, &c.) Regulations 1929	1929/952	Regulation 15A(b)
The Petroleum (Consolidation) Act 1928 (Enforcement) Regulations 1979	1979/427	Regulation 2(4)(c)
The Petroleum-Spirit (Plastic Containers) Regulations 1982	1982/630	Regulation 8(b)
The Dangerous Substances (Notification and Marking of Sites) Regulations 1990	1990/304	Paragraph 2(a) of Schedule 1
The Personal Protective Equipment at Work Regulations 1992	1992/2966	Regulation 3(3)(f); Paragraphs 5, 23, 24, 25 of Schedule 2
The Pipelines Safety Regulations 1996	1996/825	Part II of Schedule 6
The Provision and Use of Work Equipment Regulations 1998	1998/2306	Regulation 12(5)(e)
The Lifting Operations and Lifting Equipment Regulations 1998	1998/2307	Regulations 9(7)(b) and 13; The entry relating to the Shipbuilding and Ship-repairing Regulations 1960 in Schedule 2
The Factories Act 1961 and Offices, Shops and Railway Premises Act 1963 (Repeals and Modifications) Regulations 2009	2009/605	Regulation 4(1)
The Health and Safety (Fees) Regulations 2012	2012/1652	Regulation 21 and Schedule 16

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make repeals, revocations and amendments to legislation relating to Health and Safety using powers under the Health and Safety at Work Etc. Act 1974 (“the 1974 Act”).

Much of the legislation that is being removed is old, and many of the working practices that it contains are covered by more recent legislation, including that which has been transposed from directives emanating from the European Union.

Regulation 2 introduces the Schedule. Tables 1 and 2 contain repeals and revocations respectively that were the subject of a consultation which was carried out in accordance with section 50(3) of the 1974 Act. Tables 3 and 4 contain repeals and revocations respectively that are amendments consequential to those in Tables 1 and 2.

The main repeal of primary legislation is of the Celluloid and Cinematograph Film Act 1922. The Act contained provision for the regulation of the storage of Raw Celluloid and Cinematographic film, substances which were manufactured in much greater quantity when the Act came into force.

As a consequence of the revocation of the Construction (Head Protection) Regulations 1989 and regulation 3(3)(f) of the Personal Protective Equipment at Work Regulations 1992, all of the provisions of the latter apply to the regulation of the wearing of suitable head protection by persons engaged in construction work.

Regulation 3 makes amendments to the Dangerous Substances (Notification and Marking of Sites) Regulations 1990 (“the 1990 Regulations”) as a consequence of the revocation of the Notification of Installations Handling Hazardous Substances Regulations 1982 as amended. The 1990 Regulations are amended to bring Ammonium Nitrate and mixtures containing Ammonium Nitrate where the nitrogen content exceeds 15.75% of the mixture by weight above a prescribed quantity within the ambit of the 1990 Regulations’ notification regime. The amendment to the 1990 Regulations requires that dutyholders notify the fire and rescue services where such substances are kept on their premises.

Regulation 4 makes amendments to the Workplace (Health, Safety and Welfare) Regulations 1992 as a consequence of the revocation of the Shipbuilding and Ship-repairing Regulations 1960 (“the 1960 Regulations”). The effect of two regulations from the 1960 Regulations is retained by the consequential amendment so that the requirement for dutyholders to provide adequate lighting and safe access for workers on ships that are in a shipyard or harbour for the purposes of construction, repair or maintenance activities is preserved.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Health and Safety Executive, Redgrave Court, Merton Road, Merseyside, L20 7HS and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

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STATUTORY INSTRUMENTS

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