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STATUTORY INSTRUMENTS

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**2017 No. 304**

**HEALTH AND SAFETY**

**The Health and Safety (Miscellaneous  
Amendments and Revocation) Regulations 2017**

<i>Made</i>	- - - -	<i>8th March 2017</i>
<i>Laid before Parliament</i>		<i>9th March 2017</i>
<i>Coming into force</i>	- -	<i>6th April 2017</i>

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(1) in relation to measures relating to the prevention and limitation of the effects of accidents involving dangerous substances(2) and measures in the veterinary and phytosanitary fields for the protection of public health(3).

The Secretary of State makes these regulations in exercise of the powers conferred by—

- (a) section 2(2) of the European Communities Act 1972;
- (b) sections 15(1), (2) and (9) and 82(3)(a) of, and paragraph 15(1) of Schedule 3 to, the Health and Safety at Work etc. Act 1974(4); and
- (c) section 23(1)(b) of the Petroleum Act 1987(5).

The Secretary of State makes these Regulations, so far as made in exercise of the powers cited in paragraph (b), for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Executive under section 11(3)(6) of the Health and Safety at Work etc. Act 1974 after the carrying out of consultations by the Executive in accordance with section 50(3)(7) of that Act.

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- (1) 1972 c. 68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), section 27, and the European Union (Amendment) Act 2008 (c. 7), section 3 and Part 1 of the Schedule.
  - (2) S.I. 1998/1750.
  - (3) S.I. 1999/2027; the Secretary of State is also designated in relation to anything supplemental or related to measures in the veterinary and phytosanitary fields for the protection of public health, under article 2(2) of that Order.
  - (4) 1974 c.37; section 15(1) was substituted by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraph 6 and amended by S.I. 2002/794. Section 15(2) was amended by the Energy Act 2013 (c. 32), Schedule 12, paragraphs 1 and 5. The general purposes of Part 1 of the Health and Safety at Work etc. Act 1974 were extended by section 1(1) of the Offshore Safety Act 1992 (c. 15).
  - (5) 1987 c. 12; section 23(1)(b), which is amended by S.I. 1993/1823 and S.R. (NI) 1993/384, creates a prohibition on a vessel entering or remaining in a safety zone; it extends to Northern Ireland. Section 23(8), which defines “vessel,” was amended by the Merchant Shipping Act 1995 (c. 21), Schedule 13, paragraph 78.
  - (6) Section 11 was substituted by article 5 of S.I. 2008/960.
  - (7) Section 50(3) was amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraph 16(3), the Health and Social Care Act 2012 (c. 7), Schedule 7, paragraphs 4 and 6, the Energy Act 2013 (c. 32) Schedule 12, paragraph 11 and S.I. 2008/960.

## PART 1

### General

#### **Citation, extent, application outside Great Britain and commencement**

1.—(1) These Regulations may be cited as the Health and Safety (Miscellaneous Amendments and Revocation) Regulations 2017.

(2) These Regulations extend to Great Britain, except for regulation 3 which extends only to Northern Ireland.

(3) The amendments made by these Regulations to—

- (a) the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013<sup>(8)</sup> (“the 2013 Regulations”); and
- (b) the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015<sup>(9)</sup> (“the 2015 Regulations”),

apply outside Great Britain in the same way that those Regulations apply outside Great Britain by virtue of, respectively, regulation 19 of the 2013 Regulations and regulation 4 of the 2015 Regulations.

(4) These Regulations come into force on 6th April 2017.

## PART 2

### Miscellaneous Amendment to Primary Legislation

#### **The Natural Environment and Rural Communities Act 2006**

2.—(1) The Natural Environment and Rural Communities Act 2006<sup>(10)</sup> is amended as follows.

(2) In section 43 (possession of pesticides harmful to wildlife), in subsection (3), for paragraph (d) substitute—

- “(d) Regulation (EC) No 1107/2009 of the European Parliament and of the Council<sup>(11)</sup>.”.

## PART 3

### Miscellaneous Amendments to Secondary Legislation

#### **The Offshore Installations (Safety Zones) Regulations 1987**

3.—(1) The Offshore Installations (Safety Zones) Regulations 1987<sup>(12)</sup> are amended as follows.

(2) In regulation 2 (prohibition on the entry into or remaining of a vessel in a safety zone: exceptions)—

- (a) in paragraph (e) omit “or”;

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<sup>(8)</sup> S.I. 2013/1471, amended by S.I. 2015/398; there are other amending instruments but none is relevant.

<sup>(9)</sup> S.I. 2015/398, to which there are amendments not relevant to these Regulations.

<sup>(10)</sup> 2006 c. 16; paragraph (c) of subsection (3) was substituted by S.I. 2013/1506, paragraph 2, Part 1, Schedule 5.

<sup>(11)</sup> OJ No L 309, 24.11.2009, p1.

<sup>(12)</sup> S.I. 1987/1331. These Regulations were revoked, in relation to Great Britain, by S.I. 2015/398 (which did not extend to Northern Ireland), subject to transitional and saving provisions in respect of external waters; see regulation 4(3) of, and Part 2 of Schedule 13 and Part 2 of Schedule 14 to, S.I. 2015/398.

- (b) at the end of paragraph (f) insert “or”; and
- (c) at the end insert—
  - “(g) if there is consent from the duty holder (as “duty holder” is defined in regulation 2(1) of the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations (Northern Ireland) 2016)**(13)**.”.
- (3) After regulation 2 insert—

#### “Review

- 3.—(1) The Secretary of State must from time to time—
  - (a) carry out a review of the regulatory provision contained in these Regulations, and
  - (b) publish a report setting out the conclusions of the review.
- (2) The first report must be published before 6th April 2022.
- (3) Subsequent reports must be published at intervals not exceeding 5 years
- (4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015**(14)** requires that a review carried out under this regulation must, so far as is reasonable, have regard to how Article 6(7) of [Directive 2013/30/EU](#) of the European Parliament and of the Council of 12th June 2013 on safety of offshore oil and gas operations and amending [Directive 2004/35/EC](#)**(15)** is implemented in other member States.
- (5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—
  - (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a),
  - (b) assess the extent to which those objectives are achieved,
  - (c) assess whether those objectives remain appropriate, and
  - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.
- (6) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015.”.

#### The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013

- 4.—(1) The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013**(16)** are amended as follows.
- (2) In regulation 2(1) (interpretation), at the appropriate place insert—

““working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of Great Britain;”.
- (3) In regulation 15 (restriction on parallel requirements), after paragraph (4) insert—
  - “(5) Where the responsible person is under—
    - (a) a requirement to make a report under these Regulations; and—

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**(13)** [S.R. \(NI\) 2016/406](#).

**(14)** [2015 c. 26](#). Section 30(3) was amended by the Enterprise Act [2016 \(c. 12\)](#), section 19. See section 32 for the definition of “regulatory provision”.

**(15)** [OJ L 178, 28.6.2013, p 66-106](#).

**(16)** [S.I. 2013/1471](#), amended by [S.I. 2015/398](#); there are other amending instruments but none is relevant.