STATUTORY INSTRUMENTS

2018 No. 0000

EXITING THE EUROPEAN UNION

HEALTH AND SAFETY

The Health and Safety (Miscellaneous Amendments) (EU Exit) Regulations 2018

Made - - - - ***

Laid before Parliament ***

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 7, 16 and 17 of, and paragraph 13 of Schedule 7 to, the European Union (Withdrawal) Act 2018(**a**).

PART 1

PRELIMINARY

Citation, commencement, application and extent

1.—(1) These Regulations may be cited as the Health and Safety (Miscellaneous Amendments) (EU Exit) Regulations 2018 and come into force on [.....].

(2) Any amendment by these Regulations of an enactment has the same application and extent as the enactment specified.

PART 2

AMENDMENT OF SUBORDINATE LEGISLATION

Amendment of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995

2.—(1) The Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995(**b**) are amended as follows.

(2) In regulation 20 (certificates of exemption), in paragraph (1), after "the Communities" insert "(as they had effect immediately before exit day)".

(**a**) 2018 c. .
(**b**) S.I.1995/738.

Amendment of the Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995

3.—(1) The Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995(**a**) are amended as follows.

(2) In regulation 22 (certificates of exemption), in paragraph (1), after "the Communities" insert "(as they had effect immediately before exit day)".

Amendment of the Borehole Sites and Operations Regulations 1995

4.—(1) The Borehole Sites and Operations Regulations 1995(**b**) are amended as follows.

(2) In regulation 6 (notice of the commencement of drilling operations and the abandonment of boreholes), in paragraph (8), after "the Communities" insert "(as they had effect immediately before exit day)".

Amendment of the Health and Safety (Safety Signs and Signals) Regulations 1996

5.—(1) The Health and Safety (Safety Signs and Signals) Regulations 1996(**c**) are amended as follows.

(2) In Schedule 1—

(a) in Part II (minimum general requirements concerning signboards: conditions of use), in paragraph 2.1, for "Directive 89/654/EEC" substitute "regulation 8 of the Workplace (Health, Safety and Welfare) Regulations 1992(**d**)";

(b) in Part IX (minimum requirements for hand signals), in paragraph 3 (coded signals to be used), omit "applicable at Community level,".

Amendment of the Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996

6.—(1) The Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996(**e**) are amended as follows.

(2) In regulation 23 (certificates of exemption), in paragraph (1), after "the Communities" insert "(as they had effect immediately before exit day)".

Amendment of the Control of Artificial Optical Radiation at Work Regulations 2010

7.—(1) The Control of Artificial Optical Radiation at Work Regulations 2010(**f**) are amended as follows.

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

(a) omit the definition of "the Directive";

(b) insert in the appropriate places the following definitions—

ì"infrared radiation" means optical radiation of wavelength range between 780 nm and 1 mm, the infrared region being divided into IRA (780-1 400 nm), IRB (1,400-3,000 nm) and IRC (3,000 nm-1 mm);î;

ì"level" means the combination of irradiance, radiant exposure and radiance to which an employee [DN: term used in the regs cf worker in the Directive] is exposed;î;

(**a**) S.I.1995/743.
(**b**) S.I.1995/2038.
(**c**) S.I. 1996/341.
(**d**) S.I. 1992/3004.
(**e**) S.I. 1996/913.
(**f**) S.I. 2010/1140.

ì"optical radiation" means any electromagnetic radiation in the wavelength range between 100 nm and 1 mm, the spectrum of optical radiation being divided into ultraviolet radiation, visible radiation and infrared radiation;î;

ì"ultraviolet radiation" means optical radiation of wavelength range between 100 nm and 400 nm, the ultraviolet region being divided into UVA (315-400 nm), UVB (280-315 nm) and UVC (100-280 nm);î;

ì"visible radiation" means optical radiation of wavelength range between 380 nm and 780 nm;î;

(c) for the definition of "the exposure limit values" substitute—

ì"the exposure limit values" means limits on exposure to optical radiation which are based directly on established health effects and biological considerations, compliance with which will ensure that employees exposed to artificial sources of optical radiation are protected against all known adverse health effects and—

(a) for non-coherent optical radiation, those values are set out in Schedule 1;

(b) for laser optical radiation, those values are set out in Schedule 2;î.

(3) Omit regulation 1(3).

(4) In regulation 3 (assessment of the risk of adverse health effects to the eyes or skin created by exposure to artificial optical radiation at the workplace), at the end of paragraph (5)(j) insert "as they had effect immediately before exit day";

(5) In regulation 4 (obligations to eliminate or reduce risks), at the end of paragraph (4)(h) insert "as they had effect immediately before exit day".

(6) At the end of the Regulations, insert the Schedules 1 and 2 in the Schedule to these Regulations.

Amendment of the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015

8.—(1) The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015(**a**) are amended as follows.

(2) In regulation 32 (standards and guidance on best practice), in paragraph (3), for the words from "with authorities" to the end of that paragraph substitute "with other authorities having such knowledge, information or experience".

Amendment of the Ionising Radiations Regulations 2017

9.—(1) The Ionising Radiations Regulations 2017(**b**) are amended as follows.

(2) In the provisions specified in paragraph (3), for "another member State" substitute "a member State".

(3) Those provisions are—

(a) in regulation 2(1) (interpretation), the definitions of "classified person", "controlled area" and "radiation passbook";

(b) regulation 3(5) (application) in both places; and

(c) regulation 22(3)(i) (dose assessment and recording).

(**a**) S.I. 2015/398.
(**b**) S.I. 2017/1075.

PART 3

AMENDMENT OF EU REGULATION

Amendment of Commission Implementing Regulation (EU) No. 1112/2014

10.—(1) Commission Implementing Regulation (EU) No. 1112/2014 determining a common format for sharing of information on major hazard indicators by the operators and owners of offshore oil and gas installations and a common format for the publication of the information on major hazard indicators by the Member States is amended as follows.

(2) For article 1 (subject matter and scope) substitute—

ì**1.**—(1) This Regulation specifies common formats in relation to:

(a) reports from operators and owners of offshore oil and gas installations to the competent authority in accordance with Annex AI;

(b) publication of information by the competent authority in accordance with Annex AI.

(2) In this Regulation—

"RIDDOR" means—

(a) in relation to Great Britain, the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013(**a**);

(b) in relation to Northern Ireland, the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997(**b**)

"the SCR Regulations" means—

(a) in relation to Great Britain, the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015;

(b) in relation to Northern Ireland, the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations (Northern Ireland) 2016(**c**);

"competent authority" means the Health and Safety Executive and the Secretary of State acting jointly;

"major accident", "major environmental incident" and "operator" have the same meanings as in the SCR Regulations.î.

(3) In article 2(2) (Reporting reference and remittance dates), for "Article 24 of Directive 2013/30/EU" substitute "Annex AI".

(4) In article 3 (Details of information to be shared), for "point 2 of Annex IX of Directive 2013/30/EU" substitute "point 1 of Annex AI".

(5) Before Annex I insert—

ìANNEX AI

Sharing of information and transparency

1. The information to be shared by the competent authority and operators and owners shall include information relating to—

(a) unintended release of oil, gas or other hazardous substances, whether or not ignited;

(**a**) S.I. 2013/1471.
(**b**) S.R. 1997/455.
(**c**) S.R. 2016/406.

(b) loss of well control requiring actuation of well control equipment, or failure of a well barrier requiring its replacement or repair;

(c) failure of a safety and environmental critical element;

(d) significant loss of structural integrity, or loss of protection against the effects of fire or explosion, or loss of station keeping in relation to a mobile installation;

(e) vessels on collision course and actual vessel collisions with an offshore installation;

(f) helicopter accidents, on or near offshore installations;

(g) any fatal accident;

(h) any serious injuries to 5 or more persons in the same accident;

(i) any evacuation of personnel;

(j) a major environmental incident.

2. The annual report prepared by the competent authority shall contain as a minimum the following information—

(a) the number, age and location of installations;

(b) the number and type of inspections and investigations carried out, any enforcement actions or convictions;

(c) incident data pursuant to the common reporting system required in this Regulation;

(d) any major change in the offshore regulatory framework;

(e) the performance of offshore oil and gas operations in relation to prevention of major accidents and the limiting of consequences of major accidents that do occur.

3. The information referred to in point 1 shall consist of both factual information and analytical data regarding oil and gas operations, and shall be unambiguous. The information and data provided shall be such that the performance of individual operators and owners in the United Kingdom can be compared within the United Kingdom and the performance of the industry as a whole can be compared between the United Kingdom on the one hand and Member States of the European Union on the other.

4. The information collected and assembled referred to in point 1 shall enable the competent authority to provide advanced warning of potential deterioration of safety and environmentally critical barriers, and shall enable the competent authority to take preventive action. The information shall also demonstrate the overall effectiveness of measures and controls implemented by individual operators and owners, and industry as a whole, in particular to prevent major accidents and to minimise risks for the environment.î.

(6) Annex I (Common data reporting format for incidents and major accidents in the offshore oil and gas industry) is amended as follows.

(7) Omit—

(a) "(As required by Article 23 of Directive 2013/30/EU)";

(b) the heading "General remarks on the details of information to be shared"; and

(c) paragraphs (a) to (c) immediately following.

(8) In the section headed "Event categorisation"—

(a) for the heading substitute "Event categorisation according to Annex AI";

(b) in the section headed "What type of event is being reported?"—

(i) in both sections G and H, for "Directive 92/91/EEC" substitute "RIDDOR";

(ii) in section J, for "Article 2.1.d and Article 2.37 of Directive 2013/30/EU" substitute "the SCR Regulations";

(c) in the section headed "Remarks" —

(i) in the first paragraph, for the words from "the Member State" to the end of that paragraph substitute "the competent authority shall initiate a thorough investigation";

(ii) in the second paragraph, for "Directive 92/91/EEC" substitute "RIDDOR";

(iii) omit the third paragraph;

(iv) in the fourth paragraph, for "Member States'" substitute "the".

(9) In section F, for "If a helicopter accident occurs in relation to Directive 2013/30/EU," substitute "If there is a collision or potential collision between a helicopter and an offshore installation,".

(10) For "Sections G and H shall be reported under the requirements of Directive 92/91/EEC" substitute "Sections G and H shall be reported under the requirements of RIDDOR".

(11) Annex II (Common publication format) is amended as follows

(12) Omit "(As required by Article 24 of Directive 2013/30/EU)".

(13) For Section 1 Profile substitute—

ìInformation on Reporting Authority

(a) Reporting Period (calendar year)…….

(b) Designated Reporting Authority…….

(c) Contact details

- Telephone number……
- E-mail address……..î

(14) For section 3.2 substitute—

ìInvestigations

Number and type of investigations performed during the reporting period—

(a) Major Accidents…….

(b) Safety and environmental concerns reported under the SCR Regulations ……".

(15) In section 3.3, omit "pursuant to Article 18 of Directive 2013/30/EU".

(16) In sections 4.1 and 4.2, for "Annex IX", in each place, substitute "Annex AI".

(17) In section 4.3, for "92/91/EEC" substitute "RIDDOR".

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

Name
Minister of State
Date Department for Work and Pensions

SCHEDULE

Regulation 7(6)

INSERTION OF SCHEDULES 1 AND 2 INTO THE CONTROL OF ARTIFICIAL OPTICAL RADIATION AT WORK REGULATIONS 2010

iSCHEDULE 1

Regulation 1(2)

EXPOSURE LIMIT VALUES FOR NON-COHERENT OPTICAL RADIATION

The biophysically relevant exposure values to optical radiation can be determined with the formulae below. The formulae to be used depend on the range of radiation emitted by the source and the results should be compared with the corresponding exposure limit values indicated in Table 1.1. More than one exposure value and corresponding exposure limit can be relevant for a given source of optical radiation.

Numbering (a) to (o) refers to corresponding rows of Table 1.1.

Notes	
$E\lambda\ (\lambda,t)$, $E\lambda$	*spectral irradiance or spectral power density*: the radiant power incident per unit area upon a surface, expressed in watts per square metre per nanometre [W m^{-2} nm^{-1}]; values of $E\lambda\ (\lambda, t)$ and E_λ come from measurements or may be provided by the manufacturer of the equipment;
E_{eff}	*effective irradiance (UV range)*: calculated irradiance within the UV wavelength range 180 to 400 nm spectrally weighted by S (λ), expressed in watts per square metre [W m^{-2}];
H	*radiant exposure*: the time integral of the irradiance, expressed in joules per square metre [J m^{-2}];
H_{eff}	*effective radiant exposure*: radiant exposure spectrally weighted by S (λ), expressed in joules per square metre [J m^{-2}];
E_{UVA}	*total irradiance (UVA)*: calculated irradiance within the UVA wavelength range 315 to 400 nm, expressed in watts per square metre [W m^{-2}];
H_{UVA}	*radiant exposure*: the time and wavelength integral or sum of the irradiance within the UVA wavelength range 315 to 400 nm, expressed in joules per square metre [J m^{-2}];
B (λ)	*spectral weighting* taking into account the wavelength dependence of the photochemical injury caused to the eye by blue light radiation (Table 1.3) [dimensionless];
t, Δt	time, duration of the exposure, expressed in seconds [s];
Λ	*wavelength*, expressed in nanometres [nm];
Δ λ	*bandwidth*, expressed in nanometres [nm], of the calculation or measurement intervals;
$L\lambda\ (\lambda)$, L_λ	*spectral radiance of the source* expressed in watts per square metre per steradian per nanometre [W m^{-2} sr^{-1} nm^{-1}];
R (λ)	*spectral weighting* taking into account the wavelength dependence of the thermal injury caused to the eye by visible and IRA radiation (Table 1.3) [dimensionless];
L_R	*effective radiance* (*thermal injury*): calculated radiance spectrally weighted by R (λ) expressed in watts per square metre per steradian [W m^{-2} sr^{-1}];

$B(\lambda)$	*spectral weighting* taking into account the wavelength dependence of the photochemical injury caused to the eye by blue light radiation (Table 1.3) [dimensionless];
L_B	*effective radiance* (*blue light*): calculated radiance spectrally weighted by $B(\lambda)$, expressed in watts per square metre per steradian [W m^{-2} sr^{-1}];
E_B	*effective irradiance (blue light)*: calculated irradiance spectrally weighted by $B(\lambda)$ expressed in watts per square metre [W m^{-2}];
E_{IR}	*total irradiance (thermal injury)*: calculated irradiance within the infrared wavelength range 780 nm to 3 000 nm expressed in watts per square metre [W m^{-2}];
E_{skin}	*total irradiance (visible, IRA and IRB)*: calculated irradiance within the visible and infrared wavelength range 380 nm to 3 000 nm, expressed in watts per square metre [W m^{-2}];
H_{skin}	*radiant exposure*: the time and wavelength integral or sum of the irradiance within the visible and infrared wavelength range 380 to 3 000 nm, expressed in joules per square metre (J m^{-2});
α	*angular subtense*: the angle subtended by an apparent source, as viewed at a point in space, expressed in milliradians (mrad). Apparent source is the real or virtual object that forms the smallest possible retinal image.î.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 7 of the European Union (Withdrawal) Act 2018 (c.) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

Part 2 amends subordinate legislation and Part 3 amends an EU Regulation in relation to the field of health and safety.

[Impact assessment]