

2002 No. 282

HEALTH AND SAFETY

**The Health and Safety at Work etc. Act 1974 (Application
to Environmentally Hazardous Substances) Regulations
2002**

Made - - - - - *11th February 2002*

Laid before Parliament *18th February 2002*

Coming into force - - - *11th March 2002*

The Secretary of State, being the Minister designated(a) for the purpose of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to the transport of dangerous or environmentally hazardous goods by road, rail or water, in the exercise of the powers conferred on him by the said section 2(2)(c) and of all other powers enabling him in that behalf, hereby makes the following regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Health and Safety at Work etc. Act 1974 (Application to Environmentally Hazardous Substances) Regulations 2002 and shall come into force on 11th March 2002.

(2) These Regulations do not extend to Northern Ireland.

Interpretation

2. In these Regulations—

“the Directives” means—

- (a) Council Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road(d);
- (b) Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail(e);
- (c) European Parliament and Council Directive 94/63/EC on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations(f);

(a) S.I. 1996/266 and 1997/2563.

(b) 1972 c. 68; the definition of “the Treaties” in section 1 of the Act was extended by section 1 of the European Economic Area Act 1993 (c. 51).

(c) As regards Scotland, see also section 57(1) of the Scotland Act 1998 (c. 46), which provides that, despite the transfer to the Scottish Ministers by virtue of that Act of functions in relation to observing and implementing obligations under Community law, any functions of a Minister of the Crown in relation to any matter shall continue to be exercisable by him as regards Scotland for the purposes specified in section 2(2) of the European Communities Act 1972.

(d) OJ No. L319, 12.12.94, p.7.

(e) OJ No. L235, 17.9.96, p.25.

(f) OJ No. L365, 31.12.94, p.24.

- (d) Council Directive 96/35/EC on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway(a);
- (e) Commission Directive 96/86/EC adapting to technical progress Council Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road(b);
- (f) Commission Directive 96/87/EC adapting to technical progress Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous good by rail(c);
- (g) Commission Directive 1999/47/EC adapting for the second time to technical progress Council Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road(d);
- (h) Commission Directive 1999/48/EC adapting for the second time to technical progress Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail(e);
- (i) Directive 2000/61/EC of the European Parliament and of the Council amending Council Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road(f);
- (j) Directive 2000/62/EC of the European Parliament and of the Council amending Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail(g);
- (k) Commission Directive 2001/6/EC adapting for the third time to technical progress Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail(h); and
- (l) Commission Directive 2001/7/EC adapting for the third time to technical progress Council Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road(i); and

“environmentally hazardous substances” means substances which are dangerous to the environment (whether or not they are already within section 1(1)(c) of the Health and Safety at Work etc. Act 1974 as dangerous substances).

Extension of power to make regulations

3. For the purposes only of enabling regulations under section 15 of the Health and Safety at Work etc. Act 1974(j) to be made to implement any obligation imposed by any of the Directives or to deal with any matter arising out of or related to any such obligation, the reference to dangerous substances in section 1(1)(c) of that Act shall have effect as if it included a reference to environmentally hazardous substances.

(a) OJ No. L145, 19.6.96, p.10.

(b) OJ No. L335, 24.12.96, p.43.

(c) OJ No. L335, 24.12.96, p.45.

(d) OJ No. L169, 5.7.1999, p.1.

(e) OJ No. L169, 5.7.1999, p.58.

(f) OJ No. L279, 1.11.2000, p.40.

(g) OJ No. L279, 1.11.2000, p.44.

(h) OJ No. L30, 1.2.2001, p.42.

(i) OJ No. L30, 1.2.2001, p.43.

(j) 1974 c. 37; section 15(1) was amended by section 116 of, and paragraph 6 of Schedule 15 to, the Employment Protection Act 1975 (c. 71); section 15(6) was amended by section 65 of, and Schedule 12 to, the Criminal Law Act 1977 (c. 45) and section 4(1) and (6) of the Offshore Safety Act 1992 (c. 15).

Revocations

4. The Health and Safety at Work etc. Act 1974 (Application to Environmentally Hazardous Substances) Regulations 1996^(a) and the Health and Safety at Work etc. Act 1974 (Application to Environmentally Hazardous Substances) (Amendment) Regulations 1999^(b) are hereby revoked.

Signed by authority of the Secretary of State

Alan Whitehead
Parliamentary Under Secretary of State,
Department of Transport, Local Government
and the Regions

11th February 2002

(a) S.I. 1996/2075.
(b) S.I. 1999/40.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations extend the reference to dangerous substances in section 1(1)(c) of the Health and Safety at Work etc. Act 1974 to include environmentally hazardous substances. (Regulation 3. The term “environmentally hazardous substances” is defined in regulation 2.)
2. The purpose of these Regulations is to enable regulations to be made under section 15 of that Act to implement the Directives referred to in regulation 2.
3. These Regulations revoke and replace the Health and Safety at Work etc. Act 1974 (Application to Environmentally Hazardous Substances) Regulations 1996 and the Health and Safety at Work etc. Act 1974 (Application to Environmentally Hazardous Substances) (Amendment) Regulations 1999.

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