
STATUTORY INSTRUMENTS

1992 No. 2415

HEALTH AND SAFETY

The Export of Dangerous Chemicals Regulations 1992

Made - - - - *9th October 1992*
Laid before Parliament *19th October 1992*
Coming into force - - *29th November 1992*

The Secretary of State, being the Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the notification and control of substances, in exercise of the powers conferred on her by that subsection, and of all other powers enabling her in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations, which extend to Great Britain, may be cited as the Export of Dangerous Chemicals Regulations 1992 and shall come into force on 29th November 1992.

(2) In these Regulations—

“the 1974 Act” means the Health and Safety at Work etc. Act 1974⁽³⁾;

“the principal Regulation” means Council Regulation (EEC) No. 2455/92 concerning the export and import of certain dangerous chemicals⁽⁴⁾.

Appointment of designated authority

2. The Health and Safety Commission established under section 10 of the 1974 Act⁽⁵⁾ shall be the designated authority competent for the notification and information procedures laid down by the principal Regulation.

False or misleading information

3. An exporter shall not provide information pursuant to the requirement in Article 4(1) of the principal Regulation knowing it to be false or misleading in a material particular or being reckless as to whether it is false or misleading in a material particular.

(1) S.I.1981/1536.

(2) 1972 c. 68.

(3) 1974 c. 37.

(4) OJ No. L251, 29.8.92, p.13.

(5) Section 10 was amended by the Employment Protection Act 1975 (c. 71), section 116 and Schedule 15, paragraph 3.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Enforcement and offences

4.—(1) The enforcement and offences provisions of the 1974 Act shall apply to any requirement or prohibition imposed upon an exporter by the principal Regulation or by regulation 3 of these Regulations as if the requirement or prohibition concerned had been imposed by regulations made under section 15 of that Act.

(2) The Health and Safety (Enforcing Authority) Regulations 1989(6) shall not apply to any requirement or prohibition referred to in paragraph (1) above.

Signed by order of the Secretary of State.

9th October 1992

Patrick McLoughlin
Parliamentary Under Secretary of State,
Department of Employment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Great Britain, make provisions which are necessary to give full effect to Council Regulation (EEC) No. 2455/92 (OJ No. L251, 29.8.92, p.13) (the Council Regulation). The principal purposes of the Council Regulation are first to establish a common system of notification and information for imports from and exports to countries which are not members of the European Economic Community of certain dangerous chemicals; and, second, to apply the international notification and “prior informed consent” (PIC) procedure established by the United Nations Environment Programme and the Food and Agriculture Organisation.

Regulation 2 appoints the Health and Safety Commission to be the designated authority for the notification and information procedures laid down by the Council Regulation.

Regulation 3 prohibits a person from providing information pursuant to Article 4(1) of the Council Regulation knowing it to be false or misleading in a material particular or being reckless as to whether it is false or misleading in a material particular.

Regulation 4(1) provides that the enforcement and offences provisions of the Health and Safety at Work etc. Act 1974 shall apply to any requirement or prohibition imposed upon an exporter by the Council Regulation or by regulation 3 of these Regulations as if the requirement or prohibition concerned had been imposed by the regulations made under section 15 of that Act. Regulation 4(2) has the effect that the Health and Safety Executive will be the enforcing authority in respect of any requirement or prohibition referred to above.