
STATUTORY INSTRUMENTS

1999 No. 40

HEALTH AND SAFETY

**The Health and Safety at Work etc. Act 1974
(Application to Environmentally Hazardous
Substances) (Amendment) Regulations 1999**

<i>Made</i>	- - - -	<i>12th January 1999</i>
<i>Laid before Parliament</i>		<i>13th January 1999</i>
<i>Coming into force</i>	- -	<i>3rd February 1999</i>

The Secretary of State, being the designated Minister⁽¹⁾ for the purpose of section 2(2) of the European Communities Act 1972⁽²⁾ 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) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and extent

1. These Regulations, which extend to Great Britain, may be cited as the Health and Safety at Work etc. Act 1974 (Application to Environmentally Hazardous Substances) (Amendment) Regulations 1999 and shall come into force on 3rd February 1999.

Amendment of Health and Safety at Work etc. Act 1974 (Application to Environmentally Hazardous Substances) Regulations 1996

2. The Health and Safety at Work etc. Act 1974 (Application to Environmentally Hazardous Substances) Regulations 1996⁽³⁾ shall be amended by the addition of the following paragraphs at the end of regulation 2(2)(a)—

- “(iv) Council Directive [96/35/EC](#)⁽⁴⁾ on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway,
- (v) Commission Directive [96/86/EC](#)⁽⁵⁾ adapting to technical progress Council Directive [94/55/EC](#)⁽⁶⁾ on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road,

(1) S.I.1996/266 and 1994/2563.
(2) 1972 c. 68; the definition of the Treaties referred to in section 2(2) was extended by section 1 of the European Economic Area Act 1993 (c. 51).
(3) S.I. 1996/2075.
(4) OJ No. L145, 19.6.96, p.10.
(5) OJ No. L335, 24.12.96, p.43.

- (vi) Commission Directive [96/87/EC](#)(7) adapting to technical progress Council Directive [96/49/EC](#)(8) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail,
- (vii) Commission Directive(9) of 5 October 1998 adapting to technical progress Council Directive [94/55/EC](#) and Commission Directive [96/86/EC](#) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road, and
- (viii) Commission Directive(10) of 5 October 1998 adapting to technical progress Council Directive [96/49/EC](#) and Commission Directive [96/87/EC](#) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail; and.”

Signed by authority of the Secretary of State.

Larry Whitty
Parliamentary Under-Secretary of State,
Department of the Environment, Transport and
the Regions

12th January 1999

(6) OJ No. L319, 12.12.94, p.7.
(7) OJ No. L335, 24.12.96, p.45.
(8) OJ No. L235, 17.9.96, p.25.
(9) OJ No. L169, 5.7.99, p. 1.
(10) OJ No. L169, 5.7.99, p. 58.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Health and Safety at Work etc. Act 1974 (Application to Environmentally Hazardous Substances) Regulations 1996 (which extended 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) so as to enable regulations under section 15 of that Act to be made to implement—

- (a) Council Directive [96/35/EC](#) (OJNo. L145, 19.6.96, p.10) on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway;
- (b) Commission Directive [96/86/EC](#) (OJ No. L335, 24.12.96, p.43) adapting to technical progress Council Directive [94/55/EC](#) (OJ No. L319, 12.12.94, p.7) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road;
- (c) Commission Directive [96/87/EC](#) (OJ No. L335, 24.12.96, p.45) adapting to technical progress Council Directive [96/49/EC](#) (OJ No. L235, 17.9.96, p.25) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail;
- (d) Commission Directive [199/47/EC](#) (OJ No. L169, 5.7.99, p. 1) adapting to technical progress Council Directive [94/55/EC](#) and Commission Directive [96/86/EC](#) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road; and
- (e) Commission Directive [1999/48/EC](#) (OJ No. L169, 5.7.99, p. 58) adapting to technical progress Council Directive [96/49/EC](#) and Commission Directive [96/87/EC](#) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail.

2. These Regulations have no impact on business.