
STATUTORY INSTRUMENTS

2003 No. 978

HEALTH AND SAFETY

The Control of Substances Hazardous to Health (Amendment) Regulations 2003

<i>Made</i>	- - - -	<i>31 March 2003</i>
<i>Laid before Parliament</i>		<i>7 April 2003</i>
<i>Coming into force</i>	- -	<i>29 April 2003</i>

The Secretary of State, being the Minister designated⁽¹⁾ for the purpose of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the abolition of restrictions on the import or export of goods, in the exercise of the powers conferred on him by the said section 2(2) and sections 15(1) and (2) and 82(3)(a) of, and paragraph 1(1)(b) and (5) of Schedule 3 to, the Health and Safety at Work etc. Act 1974⁽³⁾ (“the 1974 Act”) and of all other powers enabling him in that behalf, for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Control of Substances Hazardous to Health (Amendment) Regulations 2003 and shall come into force on 29th April 2003.

Amendment of the Control of Substances Hazardous to Health Regulations 2002

2. In the Control of Substances Hazardous to Health Regulations 2002⁽⁴⁾—

- (a) in paragraph (1) of regulation 2, after the definition of “mine” add the following definition—
- ““mutagen” means a substance or preparation which if classified in accordance with the classification provided for by regulation 4 of the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002⁽⁵⁾ would be in the category of danger,

(1) [S.I. 1992/2661](#).

(2) [1972 c. 68](#); the definition of the Treaties referred to in section 2(2) of the European Communities Act 1972 was extended by section 1 of the European Economic Area Act [1993 \(c. 51\)](#).

(3) [1974 c. 37](#); sections 11(2), 15(1) and 50(3) were amended by the Employment Protection Act [1975 \(c. 71\)](#), Schedule 15, paragraphs 4, 6 and 16(3) respectively.

(4) [S.I. 2002/2677](#).

(5) [S.I. 2002/1689](#).

mutagenic (category 1) or mutagenic (category 2) whether or not the substance or preparation would be required to be classified under those Regulations;”

- (b) in paragraph (5) of regulation 7–
 - (i) after the word “carcinogen” add the words “or mutagen”, and
 - (ii) in each place where it occurs, after the word “carcinogens” add the words “or mutagens”;
- (c) in paragraph (4) of regulation 13, for the words “carcinogen or biological agent” substitute “carcinogen, mutagen or biological agent”; and
- (d) at the end of Schedule 1 add the following substances–

“The following polychlorodibenzodioxins:

2,3,7,8-TCDD
1,2,3,7,8-PeCDD
1,2,3,4,7,8-HxCDD
1,2,3,6,7,8-HxCDD
1,2,3,7,8,9-HxCDD
1,2,3,4,6,7,8-HpCDD
OCDD,

The following polychlorodibenzofurans:

2,3,7,8-TCDF
2,3,4,7,8-PeCDF
1,2,3,7,8-PeCDF
1,2,3,4,7,8-HxCDF
1,2,3,7,8,9-HxCDF
1,2,3,6,7,8-HxCDF
2,3,4,6,7,8-HxCDF
1,2,3,4,6,7,8-HpCDF
1,2,3,4,7,8,9-HpCDF
OCDF

Where T=tetra, Pe=penta, Hx=hexa, Hp=hepta and O=octa.”.

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

31st March 2003

N. Brown
Minister of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Control of Substances Hazardous to Health Regulations 2002 (S.I. 2002/2677) by adding—

- (a) a definition of “mutagen” to regulation 2(1) and amending references in regulations 7 and 13 to “carcinogen” to also include “mutagen” thereby implementing paragraphs 2 to 4 of article 1 of Council Directive 1999/38/EC (OJNo. L 138, 1.6.1999, p.66) amending for the second time Council Directive 90/394/EEC (OJ No. L 196, 26.7.90, p.1) on the protection of workers from the risks related to exposure to carcinogens at work; and
- (b) 17 polychlorodibenzodioxins and polychlorodibenzofurans to the list of substances in Schedule 1 to which the definition of “carcinogen” relates.

2. A copy of the regulatory impact assessment prepared in respect of these Regulations can be obtained from the Health and Safety Executive, Economic Advisers Unit, Rose Court, 2 Southwark Bridge, London, SE1 9HS. A copy of the Transposition Note in relation to implementation of Council Directive 1999/38/EC can be obtained from the Health and Safety Executive, International Branch at the same address. Copies of both these documents have been placed in the library of each House of Parliament.