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STATUTORY INSTRUMENTS

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**2004 No. 463**

**HEALTH AND SAFETY**

**The Health and Safety at Work etc. Act 1974  
(Application to Environmentally Hazardous  
Substances) (Amendment) Regulations 2004**

*Made* - - - - 26th February 2004  
*Laid before Parliament* 3rd March 2004  
*Coming into force* - - 25th March 2004

The Secretary of State, being the Minister designated<sup>(1)</sup> for the purpose of section 2(2) of the European Communities Act 1972<sup>(2)</sup> 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 upon him by the said section 2(2)<sup>(3)</sup> 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 etc. Act 1974 (Application to Environmentally Hazardous Substances) (Amendment) Regulations 2004 and shall come into force on 25th March 2004.

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

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

2.—(1) The Health and Safety at Work etc. Act 1974 (Application to Environmentally Hazardous Substances) Regulations 2002<sup>(4)</sup> shall be amended as follows.

(2) In regulation 2 (interpretation), in the definition of “the Directives”—

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(1) S.I. 1976/897, 1996/266 and 1997/2563.  
(2) 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).  
(3) 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.  
(4) S.I. 2002/282.

- (a) after sub-paragraph (f) insert—

“(fa) Directive [1999/45/EC](#) of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations(5);”;
- (b) after sub-paragraph (h) insert—

“(ha) Directive [2000/18/EC](#) of the European Parliament and of the Council on minimum examination requirements for safety advisers for the transport of dangerous goods by road, rail or inland waterway(6);”;
- (c) at the end of sub-paragraphs (k) and (l) omit the word “and”;
- (d) after sub-paragraph (l) insert—

“(m) Commission Directive [2001/60/EC](#) adapting to technical progress Directive [1999/45/EC](#) of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations(7);

(n) Commission Directive [2003/28/EC](#) adapting for the fourth 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(8); and

(o) Commission Directive [2003/29/EC](#) adapting for the fourth 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(9); and”.

Signed by authority of the Secretary of State

26th February 2004

*David Jamieson*  
Parliamentary Under Secretary of State  
Department for Transport

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(5) OJNo. L200, 30.7.1999, p.1.  
(6) OJ No. L118, 19.5.2000, p.41.  
(7) OJ No L226, 22.8.2001, p.5.  
(8) OJ No L90, 8.4.2003, p.45.  
(9) OJ No L90, 8.4.2003, p.47.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The Health and Safety at Work etc. Act 1974 (Application to Environmentally Hazardous Substances) Regulations 2002 (“the 2002 Regulations”) extend the reference to dangerous substances in section 1(1)(c) of the Health and Safety at Work etc. Act 1974 (“the 1974 Act”) to include environmentally hazardous substances. The purpose of the 2002 Regulations is to enable regulations to be made under section 15 of the 1974 Act to implement the Directives referred to in regulation 2 of the 2002 Regulations.

These Regulations amend regulation 2 of the 2002 Regulations to add references to Directives [1999/45/EC](#) and [2000/18/EC](#) and Commission Directives [2003/28/EC](#) and [2003/29/EC](#) so that Regulations can be made under section 15 of the 1974 Act to implement these Directives.