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STATUTORY INSTRUMENTS

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**2005 No. 1308**

**HEALTH AND SAFETY**

**The Health and Safety at Work etc. Act 1974  
(Application to Environmentally Hazardous  
Substances) (Amendment) Regulations 2005**

<i>Made</i>	- - - -	<i>9th May 2005</i>
<i>Laid before Parliament</i>		<i>12th May 2005</i>
<i>Coming into force</i>	- -	<i>3rd June 2005</i>

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 exercise of the powers conferred upon him by the said section 2(2)<sup>(3)</sup>, 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) (Amendment) Regulations 2005 and shall come into force on 3rd June 2005.

(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) (Amendment) Regulations 2002**

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

(2) In regulation 2 (interpretation) after sub-paragraph (o) add—

“(p) Commission Directive [2004/89/EC](#) adapting for the fifth 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<sup>(5)</sup>;

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(1) S.I. [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](#), amended by S.I. [2004/463](#).

(5) OJ No. L293, 16.9.2004, p14.

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- (q) Commission Directive [2004/110/EC](#) adapting for the sixth 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<sup>(6)</sup>; and
- (r) Commission Directive [2004/111/EC](#) adapting for the fifth 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<sup>(7)</sup>.”.

Signed by authority of the Secretary of State

9th May 2005

*Tony McNulty*  
Parliamentary Under Secretary of State  
Department for Transport

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<sup>(6)</sup> OJ No. L365, 10.12.2004, p24.  
<sup>(7)</sup> OJ No. L365, 10.12.2004, p25.

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## EXPLANATORY NOTE

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

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 Commission Directives [2004/89/EC](#) (O.J. No. L293, 16.9.2004, p.14), [2004/110/EC](#) (O.J. No. L365, 10.12.2004, p.24) and [2004/111/EC](#) (O.J. No. L365, 10.12.2004, p.25) so that Regulations can be made under section 15 of the 1974 Act to implement these Directives.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business. Copies of the EC Directive referred to in these regulations can be obtained from the stationary office. This Explanatory Note incorporates the Transposition Note that would otherwise be required.