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STATUTORY INSTRUMENTS

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**2009 No. 318**

**HEALTH AND SAFETY**

**The Health and Safety at Work etc. Act 1974  
(Application to Environmentally Hazardous  
Substances) (Amendment) Regulations 2009**

<i>Made</i>	- - - -	<i>17th February 2009</i>
<i>Laid before Parliament</i>		<i>23rd February 2009</i>
<i>Coming into force</i>	- -	<i>23rd March 2009</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup>.

The Secretary of State has been designated for the purposes of section 2(2) in relation to measures relating to the transport of dangerous or environmentally hazardous goods by road or rail<sup>(2)</sup> and by water<sup>(3)</sup>.

**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 2009 and shall come into force on 23rd March 2009.

(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) Regulation 2 of 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) Omit the word “and” which follows sub-paragraph (s).

(3) After the word “and” which follows sub-paragraph (t) insert—

“(u) Directive [2008/68/EC](#) of the European Parliament and of the Council on the inland transport of dangerous goods<sup>(5)</sup>; and”.

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(1) [1972 c. 68](#). Section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act [2006 \(c.51\)](#).

(2) [S.I. 1996/266](#) to which there are amendments not relevant to these Regulations.

(3) [S.I. 1997/2563](#) to which there are amendments not relevant to these Regulations.

(4) [S.I. 2002/282](#), amended by [S.I. 2004/463](#), [2005/1308](#) and [S.I. 2007/1332](#).

(5) O.J. No. L260, 30.9.2008, p. 13.

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**Status:** *This is the original version (as it was originally made). UK  
Statutory Instruments are not carried in their revised form on this site.*

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Signed by the authority of the Secretary of State

17th February 2009

*Jim Fitzpatrick*  
Parliamentary Under Secretary of State  
Department for Transport

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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 for the purpose of enabling 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 a reference to Directive [2008/68/EC](#) of the European Parliament and of the Council on the inland transport of dangerous goods (O.J. No. L260, 30.9.2008, p. 13) so that regulations can be made under section 15 of the 1974 Act to implement that Directive.

A full impact assessment has not been produced for this instrument as no impact on the costs of business, the public sector, third sector organisations, regulators or consumers is foreseen.