

2003 No. 52

HEALTH AND SAFETY

**Health and Safety at Work Order (Application to
Environmentally Hazardous Substances) Regulations
(Northern Ireland) 2003**

Made - - - - - *3rd February 2003*

Coming into operation *14th March 2003*

The Department of Enterprise, Trade and Investment(**a**), being a Department designated(**b**) for the purposes of section 2(2) of the European Communities Act 1972(**c**) in relation to the regulation and control of the transport of dangerous or environmentally hazardous goods by road, rail or water, in the exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Health and Safety at Work Order (Application to Environmentally Hazardous Substances) Regulations (Northern Ireland) 2003 and shall come into operation on 14th March 2003.

Interpretation

2.—(1) In these Regulations –

“the Directives” means –

- (a) 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(**d**);
- (b) 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(**e**);
- (c) European Parliament and Council Directive 94/63/EC on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations(**f**);
- (d) Council Directive 96/35/EC on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway(**g**);

(a) Formerly the Department of Economic Development; *see* S.I. 1999/283 (N.I. 1), Article 3(5)

(b) S.I. 1996/266 and 1997/2563

(c) 1972 c. 68; the definition of “the Treaties” in section 2(2) of the Act was extended by section 1 of the European Economic Area Act 1993 (c. 51)

(d) O.J. No. L319, 12.12.94, p. 7

(e) O.J. No. L235, 17.9.96, p. 25

(f) O.J. No. L365, 31.12.94, p. 24

(g) O.J. No. L145, 19.6.96, p. 10

- (e) Commission Directive 96/86/EC adapting 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(a);
- (f) Commission Directive 96/87/EC adapting 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 good by rail(b);
- (g) Commission Directive 1999/47/EC adapting for the second 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(c);
- (h) Commission Directive 1999/48/EC adapting for the second 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(d);
- (i) Directive 2000/61/EC of the European Parliament and of the Council amending 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(e);
- (j) Directive 2000/62/EC of the European Parliament and of the Council amending 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(f);
- (k) Commission Directive 2001/6/EC adapting for the third 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(g); and
- (l) Commission Directive 2001/7/EC adapting for the third 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(h); and

“environmentally hazardous substances” means substances which are dangerous to the environment (whether or not they are already within Article 3(1)(c) of the Health and Safety at Work (Northern Ireland) Order 1978(i) as dangerous substances).

(2) The Interpretation Act (Northern Ireland) 1954(j) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Extension of power to make regulations

3. For the purposes only of enabling regulations under Article 17 of the Health and Safety at Work (Northern Ireland) Order 1978 to be made to implement any obligation imposed by any of the Directives or to deal with any matter arising out of or related to any such obligation, the reference to dangerous substances in Article 3(1)(c) of that Order shall have effect as if it included a reference to environmentally hazardous substances.

Revocations

4. The Health and Safety at Work Order (Application to Environmentally Hazardous Substances) Regulations (Northern Ireland) 1996(k) and the Health and Safety at Work Order (Application to Environmentally Hazardous Substances) (Amendment) Regulations 2000(l) are hereby revoked.

(a) O.J. No. L335, 24.12.96, p. 43

(b) O.J. No. L335, 24.12.96, p. 45

(c) O.J. No. L169, 5.7.1999, p. 1

(d) O.J. No. L169, 5.7.1999, p. 58

(e) O.J. No. L279, 1.11.2000, p. 40

(f) O.J. No. L279, 1.11.2000, p. 44

(g) O.J. No. L30, 1.2.2001, p. 42

(h) O.J. No. L30, 1.2.2001, p. 43

(i) S.I. 1978/1039 (N.I. 9); Article 17 should be read with Articles 3 and 4 of the Offshore, and Pipelines, Safety (Northern Ireland) Order 1992 (S.I. 1992/1728 (N.I. 17))

(j) 1954 c. 33 (N.I.)

(k) S.R. 1996 No. 525

(l) S.R. 2000 No. 86

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 3rd
Februaruy 2003.

(L.S.)

Michael J. Bohill

A senior officer of the Department of Enterprise, Trade and Investment

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations extend the reference to dangerous substances in Article 3(1)(c) of the Health and Safety at Work (Northern Ireland) Order 1978 to include environmentally hazardous substances. (Regulation 3. The term “environmentally hazardous substances” is defined in regulation 2.)

The purpose of these Regulations is to enable regulations to be made under Article 17 of that Order to implement the Directives referred to in regulation 2.

These Regulations revoke and remake with amendments the Health and Safety at Work Order (Application to Environmentally Hazardous Substances) Regulations (Northern Ireland) 1996 (“the 1996 Regulations”) and the Health and Safety at Work Order (Application to Environmentally Hazardous Substances) (Amendment) Regulations (Northern Ireland) 2000 (“the 2000 Regulations”).

These Regulations add the Directives referred to in paragraphs (i) to (l) of regulation 2 to the Directives previously listed in the 1996 Regulations, as amended by the 2000 Regulations.

These Regulations have no impact on business.

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