

**EXPLANATORY MEMORANDUM TO THE
HEALTH AND SAFETY AT WORK ETC. ACT 1974 (APPLICATION TO
ENVIRONMENTALLY HAZARDOUS SUBSTANCES) (AMENDMENT)
REGULATIONS 2005**

2005 No. 1308

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 This Statutory Instrument amends regulation 2 of The Health and Safety at Work etc. Act 1974 (Application to Environmentally Hazardous Substances) Regulations 2002 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.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 These Regulations amend existing regulations to add references to certain Commission Directives.

4.2 Without these amendments The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2005 cannot be made.

5. Extent

5.1 This instrument applies to Great Britain.

6. European Convention on Human Rights

Not applicable.

7. Policy background

7.1 The Department for Transport is required to implement EC Directives relating to the Carriage of Dangerous Goods by Road and Rail. The Directives require member states to implement in national legislation the full range of provisions in the European Agreement Concerning the International Carriage of Dangerous Goods by Road (known as ADR) and the Regulations concerning the International Carriage of Dangerous Goods by Rail (known as RID). As the agreements are subject to biennial review, the Framework Directive itself is amended on the same basis to apply the latest revisions to the agreements.

7.2 This Statutory Instrument is required to allow for a second Statutory Instrument (The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2005) to be made, which would implement the EC Directives relating to the carriage of dangerous goods. A full Regulatory Impact Assessment has been carried out for these following regulations and they will be laid soon.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Judith Critchley at the Department for Transport, (Tel: 020 7944 2755 or e-mail: dangerousgoods.roadrailuk@dft.gsi.gov.uk) can answer any queries regarding the instrument.