STATUTORY RULES OF NORTHERN IRELAND

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(**1**), being a Department designated(**2**) for the purposes of section 2(2) of the European Communities Act 1972(**3**) 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(**4**);

(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(**5**);

(**1**) Formerly the Department of Economic Development; *see*S.I. 1999/283 (N.I. 1), Article 3(5)
(**2**) S.I. 1996/266 and 1997/2563
(**3**) 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)
(**4**) O.J. No. L319, 12.12.94, p. 7
(**5**) O.J. No. L235, 17.9.96, p. 25

(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(**6**);

(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(**7**);

(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(**8**);

(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(**9**);

(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(**10**);

(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(**11**);

(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(**12**);

(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(**13**);

(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(**14**); 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(**15**); 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(**16**) as dangerous substances).

(2) The Interpretation Act (Northern Ireland) 1954(**17**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(**6**) O.J. No. L365, 31.12.94, p. 24
(**7**) O.J. No. L145, 19.6.96, p. 10
(**8**) O.J. No. L335, 24.12.96, p. 43
(**9**) O.J. No. L335, 24.12.96, p. 45
(**10**) O.J. No. L169, 5.7.1999, p. 1
(**11**) O.J. No. L169, 5.7.1999, p. 58
(**12**) O.J. No. L279, 1.11.2000, p. 40
(**13**) O.J. No. L279, 1.11.2000, p. 44
(**14**) O.J. No. L30, 1.2.2001, p. 42
(**15**) O.J. No. L30, 1.2.2001, p. 43
(**16**) 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))
(**17**) 1954 c. 33 (N.I.)