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STATUTORY INSTRUMENTS

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**2022 No. 1037**

**The Chemicals (Health and Safety) Trade and  
Miscellaneous Amendments Regulations 2022**

**PART 2**

**TRADE**

**Disclosure of chemical trade and safety information within UK**

**3.—**(1) This regulation applies to information which relates to the trade in or safety of chemicals supplied by a relevant trading partner, or such person as a relevant trading partner may specify by written notice to the Secretary of State, for the purpose of giving effect to a provision of the EEA EFTA Agreement (including any annex to such agreement).

(2) The Executive may disclose that information for a permitted purpose.

(3) The following are the “permitted purposes” for the purpose of paragraph (2)—

- (a) to ensure health and safety;
- (b) to ensure protection of consumers;
- (c) to ensure protection of the environment.

(4) A person who receives information as a result of paragraph (2) may—

- (a) use the information for a permitted purpose, or
- (b) further disclose that information with the consent of the Executive.

(5) A person who receives the information following consent by the Executive under subparagraph 4(b) may use or disclose the information in accordance with paragraph (4).

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**Commencement Information**

**11** Reg. 3 in force at 1.11.2022, see [reg. 1\(2\)](#)

**Disclosure of chemical trade and safety information to a relevant trading partner**

**4.—**(1) This regulation applies to information held by the Executive which relates to the trade in or safety of chemicals.

(2) The Executive may disclose information to a relevant trading partner, or such person as the relevant trading partner may specify by written notice to the Secretary of State, for the purpose of giving effect to a provision of the EEA EFTA Agreement (including any annex to such agreement).

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**Commencement Information**

**12** Reg. 4 in force at 1.11.2022, see [reg. 1\(2\)](#)

### General provisions about disclosure of chemical trade and safety information

5.—(1) Nothing in regulation 3 or 4 limits the circumstances in which information may be disclosed under any other enactment or rule of law.

(2) A disclosure under regulation 3 or 4 does not breach—

- (a) any obligation of confidence owed by the Executive, or
- (b) any other restriction on the disclosure of that information (however imposed).

(3) Nothing in this regulation, or regulation 3 and 4, authorises a disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, regulation 3 and 4 of these Regulations should be taken into account).

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#### Commencement Information

**I3** Reg. 5 in force at 1.11.2022, see [reg. 1\(2\)](#)

### Interpretation of regulations 3 to 5

6. In regulations 3 to 5—

“data protection legislation” has the same meaning as in the Data Protection Act 2018<sup>(1)</sup>;

“EEA EFTA Agreement” means the Free Trade Agreement between Iceland, the Principality of Liechtenstein and the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland<sup>(2)</sup>;

“relevant trading partner” means a Party, other than the United Kingdom, to the EEA EFTA Agreement;

“the Executive” means the Health and Safety Executive<sup>(3)</sup>.

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#### Commencement Information

**I4** Reg. 6 in force at 1.11.2022, see [reg. 1\(2\)](#)

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- (1) [2018 c. 12](#). Section 3(9) of the Data Protection Act 2018 was amended by [S.I. 2019/419](#), regulation 4 and Schedule 2, paragraph 1 and 4.
  - (2) Done at London on 8th July 2021. Volume 1 and 2 published on 16th July 2021, ISBN 978-1-5286-2805-1, CP 496, available at <https://www.gov.uk/government/publications/free-trade-agreement-between-iceland-the-principality-of-liechtenstein-and-the-kingdom-of-norway-and-the-united-kingdom-of-great-britain-and-northern>. A hard copy can be obtained on request from the Department of Work and Pensions.
  - (3) The Health and Safety Executive was established by section 10 of the Health and Safety at Work etc. Act 1974 ([c. 37](#)), which was amended by Article 4 of [S.I. 2008/960](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Chemicals (Health and Safety) Trade and Miscellaneous Amendments Regulations 2022, PART 2.