
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require the notification and marking of sites where there is a total quantity of 25 tonnes or more of dangerous substances present at the site.

For the purposes of the Regulations “dangerous substance” means any substance which is dangerous for conveyance within the meaning of the Classification, Packaging and Labelling of Dangerous Substances Regulations 1984 (regulation 2(1)), that is to say, a substance specified in Part 1A of the list approved by the Health and Safety Commission on 9 February 1988 entitled “Information Approved for the Classification, Packaging and Labelling of Dangerous Substances (2nd Edition)” as revised or a substance which has characteristic properties described in Schedule 2 to those Regulations. These Regulations do not apply to radioactive substances, Class I explosives, substances in specified aerosol dispensers, or substances which have been buried or deposited in the ground as waste (regulation 3 and Schedule 1).

The Regulations require the notification to be made to both the fire authority and the enforcing authority, and to contain specified information. A further notification is required where a specified change takes place at the site (regulation 4). These notification requirements do not apply where the site is required to be notified or licensed under other statutory provisions specified in the regulations, and notification to the fire authority is not required in respect of sites which are subject to the provisions of section 3(3) of the Greater London Council (General Powers) Act 1975 at the date of coming into force of the Regulations (regulation 3 and Schedule 1).

The Regulations require signs bearing the exclamation mark symbol to be displayed at such places as will give adequate warning to firemen before entering the site in an emergency that dangerous substances are present (regulation 5). Also signs are required to be displayed at such locations within the site as an inspector may direct: these signs must bear the hazard warning symbol and text (shown in Schedule 3 to the Regulations) appropriate to the classification of the dangerous substances concerned, or, in the case of substances with mixed classifications, the exclamation mark symbol and the text “DANGEROUS SUBSTANCE” (regulation 6). The Regulations require all signs to conform to specified provisions of British Standard 5378 (regulations 5 and 6) and to be kept clean and free from obstruction (regulation 7).

The Regulations make the fire authority the enforcing authority for the marking requirements, except in specified circumstances when it is the Health and Safety Executive. The Regulations provide that the enforcing authority for the notification requirements is to be ascertained in accordance with the Health and Safety (Enforcing Authority) Regulations 1989 (regulation 8). The Regulations provide for the issue of certificates of exemption by the Executive (regulation 9).

There are transitional provisions in the Regulations specifying the 1st October 1990 as the date by which a notification of an existing site must be made, and the 1st March 1993 as the date from which directions for location marking must be complied with (regulation 10).

The Regulations repeal provisions of local Acts which empower marking schemes to be established (regulation 11 and Schedule 4).

Copies of British Standard 5378 are obtainable from the British Standards Institution, Linford Wood, Milton Keynes, MK14 6LE, and copies of the approved list referred to in the second paragraph of this note are obtainable from Her Majesty’s Stationery Office.