

2002 No. 2979

HEALTH AND SAFETY

**The Notification of Installations Handling Hazardous
Substances (Amendment) Regulations 2002**

Made - - - - - 2nd December 2002

Laid before Parliament 9th December 2002

Coming into force - - 30th December 2002

The Secretary of State, in exercise of the powers conferred upon him by sections 15(1), (2), (3)(a) and 82(3)(a) of, and paragraphs 1(1) and 15(1) of Schedule 3 to, the Health and Safety at Work etc. Act 1974(a) (“the 1974 Act”) and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act, after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Notification of Installations Handling Hazardous Substances (Amendment) Regulations 2002 and shall come into force on 30th December 2002.

Amendment of the Notification of Installations Handling Hazardous Substances Regulations 1982

2. The Notification of Installations Handling Hazardous Substances Regulations 1982(b) (“the principal Regulations”) shall be amended in accordance with the following regulations.

3. Regulation 3 of the principal Regulations shall be amended by inserting, after the word “months”, the words “or, in the case of a hazardous substance consisting of ammonium nitrate or a mixture containing ammonium nitrate, at least 4 weeks”.

4. Regulation 7 of the principal Regulations shall be amended by inserting after paragraph (1) the following paragraph—

“(1A) Paragraph (1) shall not apply where ammonium nitrate or a mixture containing ammonium nitrate is the hazardous substance by reason of which the activity is notifiable”.

(a) 1974 c. 37. Sections 15 and 50 were amended by the Employment Protection Act 1975 (c. 71) Schedule 15, paragraphs 6 and 16 respectively.

(b) S.I. 1982/1357; amended by S.I. 1996/825.

5. After regulation 8 of the principal Regulations the following regulation shall be added—

“Transitional provision for ammonium nitrate

9. Where—

(a) on 30th December 2002 a person—

(i) is undertaking an activity in which there is or is liable to be at any one time a notifiable quantity or more of a hazardous substance consisting of ammonium nitrate or a mixture containing ammonium nitrate; and

(ii) was not immediately before that date required by regulation 3(1) to notify particulars to the Executive in relation to a notifiable quantity of ammonium nitrate or a mixture containing ammonium nitrate; or

(b) a person commences such activity within 4 weeks after that date,

it shall be sufficient compliance with regulation 3(1) if he notifies to the Executive the particulars specified in Schedule 2 within 4 weeks after that date.”.

6. In Part I of Schedule 1 to the principal Regulations—

(a) for the entry in column 1 relating to ammonium nitrate and mixtures of ammonium nitrate there shall be substituted the following entry—

“Ammonium nitrate and mixtures containing ammonium nitrate where the nitrogen content exceeds 15.75% of the mixture by weight”;

(b) the corresponding entry shall be amended by substituting for the words “500” the words “150”.

Signed by authority of the Secretary of State

N. Brown

Minister of State,

Department for Work and Pensions

2nd December 2002

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. The Notification of Installations Handling Hazardous Substances Regulations 1982 (“the principal Regulations”) prohibit the handling of certain hazardous substances in a quantity equal to or exceeding the quantity specified in Part I of Schedule 1, unless the Health and Safety Executive (“the Executive”) has been notified.

2. These Regulations amend the principal Regulations in relation to ammonium nitrate and mixtures containing ammonium nitrate—

(a) in regulation 3(1), by substituting 4 weeks for 3 months as the minimum period of notice (*regulation 3*);

(b) by excepting those substances from regulation 7(1), which provides that the enforcing authority for a site at which they are handled is always the Executive (*regulation 4*);

(c) by adding regulation 9, containing transitional provision (*regulation 5*); and

(d) by widening the description of mixtures containing ammonium nitrate specified in Part I of Schedule 1, and, in relation to both ammonium nitrate and the mixtures, by lowering the specified quantity from 500 to 150 tonnes (*regulation 6*).

3. A copy of the regulatory impact assessment prepared in respect of these Regulations may be obtained from the Economic and Statistical Analysis Unit, Health and Safety Unit, Rose Court, 2 Southwark Bridge, London SE1 9HS. Copies have been placed in the Library of each House of Parliament.

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