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| Health and Safety Commission Paper | | | HSC/05/67 |
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HEALTH AND SAFETY COMMISSION

Proposals for Tank Vehicles (Loading and Unloading of Petroleum-Spirit Regulations 2000)

A Paper by Peter Roberts, Band 4, Policy Group DR3

Advisor(s): Mark Lawton

**Cleared by Steve Coldrick on 5 July 2005
Cleared by Jonathan Rees on 15 July 2005**

Issue

1. To agree the submission to the Minister of proposals for new Tank Vehicles (Loading and Unloading of Petroleum-Spirit Regulations. These non-controversial regulations replace two sets of regulations with one new set. The draft Regulations are in appendix 2.

Timing

2. Routine. It is intended that the new Regulations should come into force on the common commencement date of 1 October 2005.

Recommendation

3. The Commission is invited to approve:
 - The draft Regulations
 - The attached letter for the Chair to send to the Minister (appendix 1).

Background

4. The Commission has previously agreed that consultation should take place on these proposals (HSC 04/55). The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations came into force on 10 May 2004, and are now administered by the Department for Transport. These Regulations replaced most of the requirements contained in the Carriage of Dangerous Goods by Road Regulations 1996 (CDGRoad) and the Carriage of Dangerous Goods by Rail Regulations 1996 (CDGRail). However, it had been agreed by HSE that specific legislation concerning

the design, loading and unloading of petrol tankers would stay, for the time being, in the remains of CDGRoad and CDGRail, before being transferred into a new set of stand-alone regulations to be administered by HSE. The consultation exercise on these new regulations has been completed and there is general agreement on the proposals to introduce the new legislation and revoke the remaining parts of CDGRoad and CDGRail.

Argument

5. The new Regulations cover the following points:

- The need to ensure that the HSC document 'Approved Tank Requirements L93 – The provisions for bottom-loading and vapour recovery systems of mobile containers carrying petrol' continues to have the same legal status it possesses now.
- The need to ensure that the requirements of Regulation 20 of the current CDGRoad continues in force, and continues to allow for the current methods of refuelling aircraft at airfields.

Consultation

6. The consultation letter was sent to the same organisations which received the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations Consultative Document. Sixteen responses were received, all of which either made no comments or were generally supportive to the proposals. However, two respondents thought the draft Regulations could address the refuelling of aircraft in a clearer fashion. HSE agreed with these comments and the draft Regulations were duly amended.

Presentation

7. A press release will be issued when the new Regulations come into force.

Costs and Benefits

8. Since the proposals do not change any legal duties, they will not have any impact on costs or benefits for industry. Consequently HSE's economic advisers agreed there was no need for a regulatory impact assessment. All of the organisations that commented on the proposals also agreed there were no cost implications for industry.

Financial/Resource Implications for HSE

9. None.

Environmental Implications

10. None.

Other Implications

11. None.

Link to HSC Strategy

12. The new Regulations will clarify the division of responsibilities between HSE and the Department for Transport. They will also enable CDGRoad and CDGRail to be revoked, thus contributing towards the Government's project for Better Regulation.

Action

12. The Commission is invited to approve:

- The draft Regulations.
- The attached letter to the Minister (appendix 1).