

HSC/05/67

Draft letter from Chair to the Minister

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

I am writing to you with the Health and Safety Commission's proposals for new Regulations relating to the loading and unloading of petrol from tankers. I have enclosed a copy of the new draft Regulations.

The new draft Regulations replace two sets of existing regulations, which will be revoked. As you know, the Hampton Review report was published as a part of this year's Budget announcements. At the same time the Better Regulation Task Force (BRTF) published its report "Less is More - Reducing burdens Improving outcomes". The BRTF report has eight recommendations including the removal of unnecessary regulations by adopting a "One in, One out" system and a reduction of administrative burdens on business. In this respect, the new draft Regulations entirely conform to the BRTF requirements i.e. one in, two out.

The new draft Regulations also establish a clear demarcation of responsibilities between the Health and Safety Executive and the Department for Transport in the area of the loading, carriage and unloading of petrol.

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 new regulations have been subject to consultation with industry, trade unions, local authorities and the emergency services. They were slightly revised to reflect comments made during the formal consultation period. There is general agreement on

the proposals to introduce the new legislation and revoke the remaining parts of CDGRoad and CDGRail.

The proposals do not change any legal duties, and 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 which commented on the proposals also agreed there were no cost implications for industry.

I would be grateful if you would approve the proposals so that we may arrange for them to be laid before Parliament in time for them to come into force on the common commencement date of 1 October 2005.

Yours sincerely

Bill Callaghan
Chair, Health and Safety Commission