

Legislative annex

1. Much of HSE's work on legislative programmes originates from Europe and is unavoidable. But we do not see new or revised regulation as the automatic response to new or changing circumstances. This work will be informed by HSC's Strategy so that resources can be deployed to achieve maximum impact.
2. Policy Group is now working to reshape the legislative work plan for 2004/05, in light of the new priorities highlighted by the Strategy. The timetable below is not final, and projects and priorities may change over the course of the year.
3. Furthermore, in accordance with the Government's Better Regulation principles, unless they can demonstrate clear health and safety benefits, some projects may be drawn to a close, and for others, we may seek to deliver the same outcomes by non-legislative means.

European projects

All projects and projected milestones in this timetable are subject to the results of consultation and, where applicable, the adoption of the relevant European Directives. Where it is possible to give months for milestones these are given, where 'quarters' of a year are referred to the following convention is used: Quarter 1 = April to June, Quarter 2 = July to September, Quarter 3 = October to December, Quarter 4 = January to March.

Title of Project/Directive	Action planned	Milestones
Chemical Agents		
Draft 2nd Indicative Occupational Exposure Limit Value directive.	<ul style="list-style-type: none"> ▪ This draft directive will introduce occupational exposure limits to be agreed by the EU and will be implemented through new Occupational Exposure Limit framework following consultation. 	<ul style="list-style-type: none"> ▪ Vote on technical progress expected. Probable UK implementation date quarter 3 2005/06.
Dangerous Substances Directive 29 th ATP.	<ul style="list-style-type: none"> ▪ Implementation of UK regulations following 29th ATP to the Dangerous Substances Directive. (Agreed start of quarter 1 2004/05.) 	<ul style="list-style-type: none"> ▪ Consultation document to be published quarter 3 2004/05. ▪ Implementation due quarter 3 2005/06
Asbestos: EU proposals to amend the Worker Protection Directive 83/477/EEC.	<ul style="list-style-type: none"> ▪ Final adopted text was published in the Official Journal 15 April 2003. 	<ul style="list-style-type: none"> ▪ Commence informal consultation during quarter 1 2004/05. ▪ Consultation Document to be published in quarter 3 2004/05.
EC Regulation on the Import and Export of Dangerous Chemicals.	<ul style="list-style-type: none"> ▪ Proposed EC Regulation to introduce enhanced measures to inform non-EU countries about the dangers of exported chemicals. To replace the current Regulation. This proposal will implement the Rotterdam Convention on Prior Informed Consent (PIC). 	<ul style="list-style-type: none"> ▪ Consultation Document to be published quarter 1, 2004/05. ▪ Enforcement of Regulation expected Quarter 2 2004/05.
Existing Substance Regulation (ESR) and the programme for Registration, Evaluation and Authorisation of Chemicals (REACH).	<ul style="list-style-type: none"> ▪ Competent Authority management with DEFRA for 2004/05. HSE to support DEFRA with work such as ongoing development of transitional arrangements between ESR and REACH. 	<ul style="list-style-type: none"> ▪ On going programme of risk reduction strategy work. ▪ European risk reduction meeting planned for quarter 3 2004/05
New EU chemicals scheme for registration and authorisation (REACH).	<ul style="list-style-type: none"> ▪ Discussions in Council led by DEFRA with HSE advice. ▪ Implementation planned in quarter 2 2007/08 	<ul style="list-style-type: none"> ▪ No HSE milestones set but ongoing contribution. ▪ Timetable uncertain.
Physical Agents		
Proposal for a European Parliament and Council Directive on Physical Agents (Vibration).	<ul style="list-style-type: none"> ▪ Implementation due July 2005. 	<ul style="list-style-type: none"> ▪ Directive adopted May 2002; came into force July 2002. ▪ Consultation Document published quarter 3 2003/04. ▪ Consultation ended quarter 4 2003/04.

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Proposal for a European Parliament and Council Directive on Physical Agents (Noise).	<ul style="list-style-type: none"> Implementation due February 2006. 	<ul style="list-style-type: none"> Directive adopted December 2002; came into force February 2003. Consultation Document to be published quarter 1 2004/05.
Proposal for European Parliament and Council Directive on Physical Agents (Electromagnetic Fields).	<ul style="list-style-type: none"> Adoption of proposed Directive. If adopted will need to be transposed into UK legislation within four years of it coming into force. 	<ul style="list-style-type: none"> Directive proposed December 2002. Adoption in quarter 1 2004/05; coming into force likely quarter 1 or 2 2004/05
Proposal for European Parliament and Council Directive on Physical Agents (Optical Radiation)	<ul style="list-style-type: none"> Adoption of expected proposal for a Directive. If adopted will need to be transposed into UK legislation. 	<ul style="list-style-type: none"> Proposal expected quarter 1 2004/05
Rail Transport		
Interoperability of the trans-European conventional rail system (2001/16).	<ul style="list-style-type: none"> DfT lead. HSE will contribute. 	<ul style="list-style-type: none"> Directive expected to be implemented by Quarter 3 2004/05.
<p>Proposed Railway Safety directive.</p> <p>Proposed Interoperability amendment directive amending Directive 96/48/EC on high-speed interoperability and Directive 2001/16/EC on conventional interoperability.</p> <p>Proposed European Railway Agency Regulation.</p> <p>Proposed Decision on the Convention of International Transport by Rail (COTIF).</p> <p>Proposed Market Access Directive.</p>	<ul style="list-style-type: none"> Common Position has been achieved, now working with DfT on progress through European Parliament to achieve a favourable outcome in line with UK negotiating strategy. (These Directives etc are commonly known as the "Second Railways Package"). 	<ul style="list-style-type: none"> Adoption expected quarter 1 2004/5.
Proposed Directive on the certification of train drivers. (Com (2004) 142)	<ul style="list-style-type: none"> HSE to contribute to DfT lead. Analysis and EU negotiation to continue 	<ul style="list-style-type: none"> Proposals published 3 March.

European projects

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Work Equipment		
Proposal for Third amendment to the Machinery Directive.	<ul style="list-style-type: none"> ▪ DTI lead. 	<ul style="list-style-type: none"> ▪ Awaiting Council agreement due quarter 3 or quarter 4 2004/05.
Use of Work Equipment Directive (dealing with Temporary Work at Heights) 2nd amendment.	<ul style="list-style-type: none"> ▪ To be implemented as a single set of Work at Heights Regulations. 	<ul style="list-style-type: none"> ▪ Implement regulations third quarter 2004/05.
Major Hazards		
Proposal for an amendment to the SEVESO Directive (96/82/EC).	<ul style="list-style-type: none"> ▪ Directive 2003/105/EC adopted 31 December 2003. ▪ Amended directive to be implemented through amendment to COMAH Regulations. 	<ul style="list-style-type: none"> ▪ HSC endorsed implementation strategy on 10 February 2004. ▪ Consultation Document planned for end of quarter 1 2004/05. ▪ For implementation by 1 July 2005.

Title of Project/Regulations	Action Planned	Milestones
Acetylene legislation	<ul style="list-style-type: none"> ▪ New framework for acetylene safety to replace requirements currently in Explosives Act 1875. 	<ul style="list-style-type: none"> ▪ Project under review.
Construction (Design and Management) Regulations 1994 (CDM)	<ul style="list-style-type: none"> ▪ To amend Regulations and ACoP. 	<ul style="list-style-type: none"> ▪ Consultation Document planned for quarter 3 2004/05. ▪ Planned implementation quarter 1 2006/07.
Construction (Health, Safety and Welfare) Regulations 1996	<ul style="list-style-type: none"> ▪ To amend the regulations. 	<ul style="list-style-type: none"> ▪ As CDM Regulations above. It is proposed to amend these two sets of regulations and produce a single set of construction regulations (to be outlined in the consultative document).
Control of Explosives Regulations 2001.	<ul style="list-style-type: none"> ▪ New Regulations to rationalise existing provisions. 	<ul style="list-style-type: none"> ▪ Consultation Document to be published quarter 4 2004/05. ▪ New Regulations to be laid quarter 4 2005/06.
Dangerous Goods in Harbours Regulations	<ul style="list-style-type: none"> ▪ Regulations, ACoP and guidance to be amended in light of consultation exercise. 	<ul style="list-style-type: none"> ▪ Project under review.
Dangerous Substances (notification and marking of sites) Regulations 1990	<ul style="list-style-type: none"> ▪ Review of the Regulations. 	<ul style="list-style-type: none"> ▪ Review completed by April 2004. ▪ Under review.
Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR)	<ul style="list-style-type: none"> ▪ Amendment to reflect revised interface with Marine and Coastguard Agency. 	<ul style="list-style-type: none"> ▪ Review of any amendments that may be required will take place by the third quarter of 2004/05.
Docks Regulations	<ul style="list-style-type: none"> ▪ Regulations, ACoP and guidance in process of revision in consultation with the industry. 	<ul style="list-style-type: none"> ▪ Project under review.
Duty to investigate workplace accidents, etc.	<ul style="list-style-type: none"> ▪ Consideration of responses to recent consultation exercise. 	<ul style="list-style-type: none"> ▪ Guidance developed quarter 4 2003/04. ▪ Guidance to be published quarter 1 2004/05.
Factories Act 1961 and Offices, Shops and Railway Premises Act 1963.	<ul style="list-style-type: none"> ▪ Consolidation and removal of remaining requirements where possible. 	<ul style="list-style-type: none"> ▪ Produce position paper on review work done so far and sunset project - quarter 1 2004/05.
First Aid at Work Regulations 1981	<ul style="list-style-type: none"> ▪ Follow on from research project leading to a consultation exercise in 2004. 	<ul style="list-style-type: none"> ▪ Publish Consultation Document in quarter 2 2004/5.
Gas Safety (Management) Regulations 1996	<ul style="list-style-type: none"> ▪ Consultation on amending Regulations. 	<ul style="list-style-type: none"> ▪ Consultation Document to be published quarter 2 2004/05.

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Gas Safety (Installations and Use) Regulations 1998.	<ul style="list-style-type: none"> ▪ Consultation on amending regulations and ACoP. 	<ul style="list-style-type: none"> ▪ Consultation Document expected quarter 3 2004/05. ▪ Regulations to be implemented quarter 3 2005/6.
Health and Safety (Fees) Regulations 2004.	<ul style="list-style-type: none"> ▪ Annual revision of fees to take account of inflation. 	<ul style="list-style-type: none"> ▪ Regulations came into force 1 April 2004.
Inhalable Dust in Coal Mines.	<ul style="list-style-type: none"> ▪ New Regulations and ACoP. 	<ul style="list-style-type: none"> ▪ Regulations to be submitted quarter 4 2004/5. ▪ ACoP to be published quarter 4 2004/5.
Ionising Radiations Amendment Regulations	<ul style="list-style-type: none"> ▪ Amend the Ionising Radiations Regulations 1999. 	<ul style="list-style-type: none"> ▪ Consultation Document to be published quarter 3 2004/05.
Manufacture and Storage of Explosives Regulations	<ul style="list-style-type: none"> ▪ Revise legal requirements in new regulations – replacing some 40 pieces of earlier legislation. 	<ul style="list-style-type: none"> ▪ New Regulations expected quarter 3 2004/05.
Petrol Legislation	<ul style="list-style-type: none"> ▪ Phase 2 and 3 of the Modernising petrol project (Phase 1 completed by DSEAR). 	<ul style="list-style-type: none"> ▪ Consultation Document on proposals for petrol filling stations (Phase 2) to be published by quarter 4 2004/05. ▪ Review of phase 3 to be undertaken in 2004/05
Pipelines Safety (Amendment) Regulations	<ul style="list-style-type: none"> ▪ Amendments relating to the testing of emergency plans; additional duties relating to gasoline; and minor changes to existing definitions. 	<ul style="list-style-type: none"> ▪ Consultation Documents to be published quarter 2 2004/05. ▪ Amended regulations due quarter 4 2004/5.
Railway Safety Regulations	<ul style="list-style-type: none"> ▪ Review of existing requirements for railway safety cases, approval of rail plant and equipment, and safety critical work following public inquiry reports, notably Lord Cullen's report on Ladbroke Grove, and European developments. 	<ul style="list-style-type: none"> ▪ New regulations to be agreed quarter 4 2004/05. These will implement safety management requirements in the Railway Safety Directive, and replace three existing sets of regulations on railway safety cases, approval of rail plant and equipment, and safety critical work.
Railway Safety Regulations 1999	<ul style="list-style-type: none"> ▪ Review of requirements concerning Train Protection and Warning System for over speed mitigation. 	<ul style="list-style-type: none"> ▪ Possible amendments in 2004/05
Control of Substances Hazardous to Health (Amendment) Regulations 2004 (COSHH)	<ul style="list-style-type: none"> ▪ Review of occupational exposure limit (OEL) framework in the Control of Substances 	<ul style="list-style-type: none"> ▪ Analysis of responses to Consultation Document due end of quarter 1. ▪ Regulations expected

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	Hazardous to Health framework. ▪ Implementation of EC directive on high chromium (VI) cement	quarter 3 2004/05.
Control of Substances Hazardous to Health Regulations (COSHH)	▪ Revision of OEL for respirable crystalline silica (RCS)	▪ Proposal (including regulatory impact assessment and draft consultation document) to be submitted to ACTS in November 2004 ▪ Consultation document to be published quarter 4 2004/05 ▪ Consider responses to CD quarter 2 2005/06 ▪ Implement new OEL quarter 4 2005/06
Offshore installations (Safety Case) Regulation 1992 (OSCR)	▪ Revise 1992 Regulations to improve effectiveness and reduce bureaucracy.	▪ Consultation document to be published quarter 1 2004/05 ▪ Regulations due end of quarter 1 2005/06.
Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR).	▪ Fundamental review of legislation aimed at simplification and greater effectiveness.	▪ Commission research and issue Discussion Document in quarter 2 2004/05. ▪ Consider responses to Discussion Document and issue Consultation Document quarter 4 2004/05 to quarter 1 2005/06.
Shipbuilding/Ship Repair Regulations.	▪ Revoke requirements superseded by Working at Heights Directive (WAH).	▪ Consultation exercise ended at end of quarter 4 2003/04. ▪ Analysis of consultation exercise. ▪ Revocations to be implemented in quarter 3 2004/05.
Standard of training in safe gas installations ACoP	▪ Amend the now outdated 1988 ACoP.	▪ Consultation Document to be published in quarter 4, 2004/5 to include recommendations arising from the fundamental review of gas safety.