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STATUTORY INSTRUMENTS

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**1997 No. 1460**

**HEALTH AND SAFETY**

**The Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations 1997**

<i>Made</i>	- - - -	<i>5th June 1997</i>
<i>Laid before Parliament</i>		<i>16th June 1997</i>
<i>Coming into force</i>	- -	<i>7th July 1997</i>

The Secretary of State, being the designated Minister<sup>(1)</sup> for the purpose of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the regulation and control of classification, packaging and labelling of dangerous substances and preparations, and for measures related to consumer protection, in the exercise of the powers conferred on him by the said section 2(2) and sections 15(1), (2), (4)(a), (6)(b) and 82(3)(a) of, and paragraphs 1(1)(b) and (4) of Schedule 3 to, the Health and Safety at Work etc. Act 1974<sup>(3)</sup> (“the 1974 Act”) and of all other powers enabling him in that behalf, 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 Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations 1997 and shall come into force on 7th July 1997.

**Interpretation**

2. In these Regulations “the principal Regulations” means the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994<sup>(4)</sup>.

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(1) S.I. 1976/897 and S.I. 1993/2661.  
(2) 1972 c. 68; the definition of the Treaties referred to in section 2(2) was extended by section 1 of the European Economic Area Act 1993 (c. 51).  
(3) 1974 c. 37; sections 15(1) and 50(3) were amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraphs 6 and 16(3) respectively.  
(4) S.I. 1994/3247 as amended by S.I. 1996/1092.

### **Modifications to the principal Regulations**

3. The principal Regulations shall be modified in accordance with the Schedule to these Regulations.

### **Transitional provisions**

4.—(1) Until 31st May 1998, in relation to any substance or preparation other than liquefied petroleum gas, butane or propane, it shall be sufficient compliance with the requirements of the principal Regulations, if the requirements of those Regulations are complied with as in force immediately before these Regulations came into force.

(2) Until 31st October 1997, in relation to liquefied petroleum gas, butane or propane, it shall be sufficient compliance with the requirements of the principal Regulations, if the requirements of those Regulations are complied with as in force immediately before these Regulations came into force.

Signed by authority of the Secretary of State.

5th June 1997

*Angela Eagle*  
Parliamentary Under Secretary of State,  
Department of Environment

## SCHEDULE

Regulation 3

1. In regulation 2(1)—
  - (a) in the definition of “approved classification and labelling guide” for the words “2nd edition” and “18th October 1994” there shall be substituted the words “3rd edition” and “25th March 1997” respectively;
  - (b) for the definition of “approved supply list” there shall be substituted the following definition—

““approved supply list” has the meaning assigned to it by regulation 4;”;
  - (c) in the definition of “concentration limits” there shall be deleted the words “column 4 of Part V of”;
  - (d) in the definition of “EEC number”—
    - (i) there shall be substituted for the word “EEC” the word “EC” in each place in which it occurs;
    - (ii) in sub-paragraph (a) for the words from “number (if any)” to the end of that sub-paragraph there shall be substituted the words “EC number (if any) specified in that list;”;
    - (iii) in sub-paragraph (b) there shall be deleted the words “Part V of”;
  - (e) in the definition of “index number” there shall be deleted the words “Part I of” and substituted for the words “specified in column 2 of that Part” the words “(if any) specified in that list”;
  - (f) in the definition of “indication of danger” for sub-paragraph (a) there shall be substituted the following sub-paragraph—

“(a) in the case of a substance dangerous for supply listed in the approved supply list, it is one or more indications of danger specified for that substance by a symbol-letter in the list;”;
  - (g) in the definition of “risk phrase” for the words “phrase listed in Part III of” there shall be substituted the words “risk phrase listed in”;
  - (h) in the definition of “safety phrase” for the words “phrase listed in Part IV of” there shall be substituted the words “safety phrase listed in”;
  - (i) in the definition of “substance dangerous for supply” there shall be deleted the words “Part I of”.
2. In regulation 3(3) there shall be deleted sub-paragraph (b) and the word “or” immediately preceding that sub-paragraph.
3. There shall be substituted for regulation 4 the following regulation—

“4. In these Regulations the “approved supply list” means the document—

  - (a) entitled “Information Approved for the Classification and Labelling of Substances and Preparations Dangerous for Supply (3rd Edition)” approved by the Health and Safety Commission on 24th January 1996;
  - (b) as revised by the document entitled the “Approved Supply List supplement” approved by the Health and Safety Commission on 25th March 1997.”.
4. For paragraph (2) of regulation 5 there shall be substituted the following paragraph—

“(2) The classification of a substance which is listed in the approved supply list shall be the classification for that substance specified in the list.”.
5. In regulation 9—

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- (a) in paragraph (2)(b) there shall be deleted the words “Part I of”;
  - (b) in paragraph (2)(c)(iv)—
    - (i) for the word “EEC” in the first place in which it occurs there shall be substituted the word “EC”;
    - (ii) there shall be deleted the words “Part I of”; and
    - (iii) with effect from 31st December 2000, for the words “either the words “EC label” or “EEC label”” there shall be substituted the words “the words “EC label””;
  - (c) in paragraph (3B)—
    - (i) after the words “which is dangerous for supply” there shall be added the words “and is not being marketed or used for the purposes of research and development or for the purpose of analysis”;
    - (ii) for the words ““Restricted to professional users”” there shall be substituted the words ““For use in industrial installations only””;
  - (d) in paragraph (3C) there shall be added at the end—
    - (e) any substance or preparation which is being marketed or used for the purposes of research and development or for the purpose of analysis.”.
6. In regulation 12(4) there shall be substituted for sub-paragraph (d) the following sub-paragraph—
- “(d) preparations which are assigned the risk phrase (R65) and classified and labelled according to paragraph 48 of the approved classification and labelling guide, except where such a preparation is supplied in an aerosol dispenser or a container fitted with a sealed spray attachment.”.
7. After paragraph (4) of regulation 16 there shall be added the following paragraph—
- “(5) In any proceedings for an offence under regulation 9 or 10 arising out of the supply of liquefied petroleum gas, butane or propane it shall be a defence for the supplier to prove that the gas in question—
    - (a) was not supplied with a view to the person to whom the gas was supplied using it; and
    - (b) was supplied with a view to—
      - (i) the gas being destroyed;
      - (ii) the receptacle in which the gas was supplied being refilled; or
      - (iii) the receptacle and where appropriate any packaging being labelled in accordance with these Regulations,whether or not the destruction, refilling or labelling, as the case may be, is to be carried out by the person to whom the gas was supplied.”.
8. In Schedule 3—
- (a) in paragraph 18(1) of Part I there shall be deleted the words “Part V of”;
  - (b) in Part II there shall be added after sub-paragraph 1.2, the following sub-paragraph—
    - “Preparations assigned the risk phrase R65
- 1.3 In applying the conventional method according to paragraph 8 of Part I of Schedule 3, no account shall be taken of the assigning to a substance of the risk phrase R65.”.

9. In paragraph 2(3) of Schedule 4 for the words from “is listed” to the end of that paragraph there shall be substituted the words “is a substance dangerous for supply for which a conventional LD<sub>50</sub> value is specified in the approved supply list, its toxicity shall be taken to be that value.”.

10. In Schedule 6—

- (a) for sub-paragraph 1(1) of Part I there shall be substituted the following sub-paragraph—

“(1) In the case of a substance dangerous for supply which is listed in the approved supply list, the particulars to be shown on the label in accordance with regulation 9(2)(c) shall be any EC number, indication of danger and its corresponding symbol, risk or safety phrase specified for that substance in that list.”;
- (b) in paragraphs 1(2), 2(3) and 4(1) of Part I there shall be deleted the words “Part I of” in each place in which they occur;
- (c) in paragraph 2 of Part I there shall be deleted the words “column 4 of Part V of” in each place in which they occur;
- (d) in paragraphs 3 and 4 of Part II, there shall be substituted for the words from “value” to the end of each paragraph, the words “concentration limit for the substance is shown in the approved supply list.”.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations, which come into force on 7th July 1997, amend the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994 (S.I. 1994/3247) (“the principal Regulations”).

2. Regulation 3 and the Schedule to these Regulations amend the principal Regulations in that—

- (a) in paragraphs 1(a) and 3 of the Schedule, they introduce a new edition of the approved classification and labelling guide and supplement to the third edition of the approved supply list (thereby implementing part of the Council Directive 96/54/EC (OJNo. L248, 30.9.96, p.1), the 22nd ATP to the Council Directive 67/548/EEC (OJ No. L196, 16.8.67, p.1) (“the Dangerous Substances Directive”));
- (b) in paragraphs 2 and 7 of the Schedule, they apply regulations 8 to 12 of the principal Regulations to liquefied petroleum gas, butane and propane and provide a defence in certain circumstances for an offence arising out of the supply of such substances under regulation 9 or 10 of the principal Regulations (thereby implementing part of the Dangerous Substances Directive);
- (c) in paragraphs 1(d) and 5(b) of the Schedule, they change certain references in the principal Regulations from “EEC” to “EC” (thereby implementing the Council Directive 96/56/EC (OJ No. L236, 18.9.96, p.35), the 8th Amendment to the Dangerous Substances Directive);
- (d) in sub-paragraphs (c) and (d) of paragraph 5 of the Schedule, they introduce an exemption in certain circumstances for substances and preparations marketed for research and development or analysis purposes (thereby implementing part of the Council Directive 76/769/EEC (OJ No. L262, 27.9.76, p.201) (“the Marketing and Use Directive”));

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- (e) in paragraph 5(c) of the Schedule, they introduce a new labelling phrase “For use in industrial installations only” for use in certain circumstances (thereby implementing the Commission Directive [96/55/EC](#) (OJ No. L231, 12.9.96, p.20), the 2nd ATP to the Marketing and Use Directive);
  - (f) in paragraphs 6 and 8 of the Schedule, they introduce a new Risk Phrase for the aspiration hazard (thereby implementing part of the Council Directive [96/65/EC](#) (OJ No. L265, 18.10.96, p.15), the 4th ATP to the Council Directive [88/379/EEC](#) (OJ No. L187, 16.7.88, p.14) (“the Dangerous Preparations Directive”) and part of the Commission Directive [96/54/EC](#) (OJ No. L248, 30.9.96, p.1)).
- 3.** Copies of the approved supply list (ISBN 0–7176–1116–7 and 0–7176–1378–X) and the approved classification and labelling guide (ISBN 0–7176–1366–6) are available from HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 6FS; Dillons; Rymans the Stationer; and good booksellers.
- 4.** A copy of the cost benefit assessment prepared in respect of these Regulations can be obtained from the Health and Safety Executive, Economic Advisers Unit, Rose Court, 2 Southwark Bridge, London SE1 9HS. Copies have been placed in the library of each House of Parliament.