
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 398

HEALTH AND SAFETY

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

Made - - - - *29th August 1997*

Coming into operation *29th September 1997*

The Department of Economic Development, being a Department designated⁽¹⁾ for the purpose of section 2(2) of the European Communities Act 1972⁽²⁾ 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 it by the said section 2(2) and, being the Department concerned⁽³⁾, in exercise of the powers conferred by Articles 17(1) to (6) and 55(2) of, and paragraphs 1(1), (4) and (5), 2, 14 and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978⁽⁴⁾ and of every other power enabling it in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to the Department to be appropriate, 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 (Northern Ireland) 1997 and shall come into operation on 29th September 1997.

Interpretation

2.—(1) In these Regulations “the principal Regulations” means the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995⁽⁵⁾.

(2) The Interpretation Act (Northern Ireland) 1954⁽⁶⁾ shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(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) See Article 2(2) of S.I. 1978/1039 (N.I. 9)

(4) S.I. 1978/1039 (N.I. 9)

(5) S.R. 1995 No. 60 as amended by S.R. 1996 No. 376 and S.R. 1997 No. 247

(6) 1954 c. 33 (N.I.)

Amendment of the principal Regulations

3. The principal Regulations shall be amended in accordance with the Schedule.

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 operation immediately before these Regulations came into operation.

(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 operation immediately before these Regulations came into operation.

Sealed with the Official Seal of the Department of Economic Development on

L.S.

29th August 1997.

Philip B. Strong
Assistant Secretary

SCHEDULE

Regulation 3

1. In regulation 2(1)—
 - (a) in the definition of “approved classification and labelling guide” for the words “(2nd Edition)” there shall be substituted “(3rd Edition)”;
 - (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) for the word “EEC” there shall be substituted “EC” in each place in which it occurs;
 - (ii) in sub-paragraph (a) for the words from “number (if any)” to the end there shall be substituted “EC number (if any) specified in that list;”;
 - (iii) in sub-paragraph (b) there shall be deleted the words “Part V of”;
 - (e) for the definition of “index number” there shall be substituted—

““index number” means, in relation to a substance dangerous for supply which appears in the approved supply list, the number (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) 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 “risk phrase listed in”;
 - (h) in the definition of “safety phrase” for the words “phrase listed in Part IV of” there shall be substituted “safety phrase listed in”; and
 - (i) in the definition of “substance dangerous for supply” in sub-paragraph (a) 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. For regulation 4 there shall be substituted the following regulation—

“4. In these Regulations the “approved supply list” means the document approved by the Department for the purposes of these Regulations and—

 - (a) entitled “Information Approved for the Classification and Labelling of Substances and Preparations Dangerous for Supply (3rd Edition)” published by the Health and Safety Commission;
 - (b) as revised by the document entitled the “Approved Supply List Supplement” published by the Health and Safety Commission.”.
4. In regulation 5 for paragraph (2) 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 (1) for the words “paragraphs (4) to (8)” there shall be substituted “paragraphs (5) to (9)”;
 - (b) in paragraph (2)(b) there shall be deleted the words “Part I of” and the word “and” at the end of the paragraph;
 - (c) in paragraph (2)(c)(iv)—
 - (i) for the word “EEC” in the first place in which it occurs there shall be substituted “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 ““EC label””;
 - (d) in paragraph (3B)—
 - (i) after the words “which is dangerous for supply” there shall be added “and is not being marketed or used for the purposes of research and development or for the purpose of analysis,”; and
 - (ii) for the words ““Restricted to professional users”” there shall be substituted ““For use in industrial installations only””; and
 - (e) in paragraph (3C)—
 - (i) in sub-paragraph (c) there shall be deleted the word “and”;
 - (ii) in sub-paragraph (d) for the full stop there shall be substituted “; and”; and
 - (iii) after sub-paragraph (d) there shall be added the following sub-paragraph—
 - “(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 13(4) for sub-paragraph (d) there shall be substituted 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. In regulation 17 after paragraph (4) 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 1, in Part III for paragraph 3 there shall be substituted the following paragraph—
- “(3) The equilibrium methods referred to in paragraph 1(a) are those defined in the following standards, namely, International Standards ISO 1516, ISO 3680, ISO 1523 and ISO 3679.”.

9. In Schedule 3—

- (a) in Part I, in paragraph 18(1) there shall be deleted the words “Part V of”;
- (b) in Part I, in paragraph 18(1)(d) for the words “toxic to reproduction” there shall be substituted the words “toxic for reproduction”; and
- (c) in Part II, in paragraph 1, after sub-paragraph (2) there shall be added the following sub-paragraph—

“(3) **Preparations assigned the risk phrase R65:** In applying the conventional method according to paragraph 8 of Part I, no account shall be taken of the assigning to a substance of the risk phrase R65.”

10. In Schedule 4, in paragraph 2(3) for the words from “is listed” to the end of that paragraph there shall be substituted “is a substance dangerous for supply for which a conventional LD₅₀ value is specified in the approved supply list, its toxicity shall be taken to be that value.”

11. In Schedule 6—

- (a) in Part I, for sub-paragraph (1) of paragraph 1 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 Part I, in paragraphs 1(2), 2(3) and 4(1) there shall be deleted the words “Part I of” in each place in which they occur;
- (c) in Part I, in paragraph 2(2) there shall be deleted the words “column 4 of Part V of” in each place in which they occur; and
- (d) in Part II, in paragraphs 3 and 4, for the words from “value” to the end of each paragraph, there shall be substituted “concentration limit for the substance is shown in the approved supply list.”

EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations, which come into operation on 29th September 1997, further amend the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 60) (“the principal Regulations”).

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

- (a) by paragraphs 1(a) and (3) of the Schedule, they introduce references to a new edition of the approved classification and labelling guide and supplement to the third edition of the approved supply list (thereby implementing for Northern Ireland part of the Council Directive 96/54/EC (O.J. No. L248, 30.9.96, p. 1), the 22nd adaptation to technical progress (“ATP”) to the Council Directive 67/548/EEC (O.J. No. L196, 16.8.67, p. 1) (“the Dangerous Substances Directive”));

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- (b) by paragraphs 2 and 7 of the Schedule, they apply regulations 8 to 11 and regulation 13 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 for Northern Ireland part of the Dangerous Substances Directive);
- (c) by paragraphs 1(d) and 5(c) of the Schedule, they change certain references in the principal Regulations from “EEC” to “EC” (thereby implementing for Northern Ireland the Council Directive [96/56/EC](#) (O.J. No. L236, 18.9.96, p. 35), the 8th Amendment to the Dangerous Substances Directive);
- (d) by sub-paragraphs (d) and (e) 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 for Northern Ireland part of the Council Directive [76/769/EEC](#) (O.J. No. L262, 27.9.76, p. 201) (“the Marketing and Use Directive”));
- (e) by paragraph 5(d) of the Schedule, they introduce a new labelling phrase “For use in industrial installations only” for use in certain circumstances (thereby implementing for Northern Ireland the Commission Directive [96/55/EC](#) (O.J. No. L231, 12.9.96, p. 20), the 2nd ATP to the Marketing and Use Directive);
- (f) by paragraphs 6 and 9(a) and (c) of the Schedule, they introduce a new Risk Phrase for the aspiration hazard (thereby implementing for Northern Ireland part of the Council Directive [96/65/EC](#) (O.J. No. L265, 18.10.96, p. 15), the 4th ATP to the Council Directive [88/379/EEC](#) (O.J. No. L187, 16.7.88, p. 14) (“the Dangerous Preparations Directive”) and part of the Commission Directive [96/54/EC](#) (O.J. No. L248, 30.9.96, p. 1.);
- (g) by paragraphs 5(a), 8 and 9(b) of the Schedule, they correct some minor textual inaccuracies of the principal Regulations.

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 Dillons Books, 44-46 Fountain Street, Belfast, BT1 5EE or from HSE Books, P.O. Box 1999, Sudbury, Suffolk, CO10 6FS.

4. In Great Britain the corresponding Regulations are the Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations 1997. The Health and Safety Executive has prepared a cost benefit assessment in relation to those Regulations and a copy of that assessment, together with the Northern Ireland Supplement prepared by the Department of Economic Development, is held at that Department’s offices at 83 Ladas Drive, Belfast, BT6 9FJ, from where copies may be obtained on request.