

2003 No. 106

EUROPEAN COMMUNITIES

PUBLIC HEALTH

**The Marketing and Use of Dangerous Substances (No. 2)
Regulations (Northern Ireland) 2003**

Made - - - - - *27th February 2003*

Coming into operation *30th June 2003*

The Department of the Environment, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to restrictions on the marketing and use of certain dangerous substances and preparations, in exercise of the powers conferred on it by that section and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Marketing and Use of Dangerous Substances (No. 2) Regulations (Northern Ireland) 2003 and shall come into operation on 30th June 2003.

Interpretation

2.—(1) Expressions used in these Regulations which are also used in Council Directive 76/769/EC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations(c), as amended by Commission Directive 2001/91/EC(d), shall have the meaning they bear in that Directive.

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

Prohibition of the use of hexachloroethane in the manufacturing and processing of non-ferrous metals

3. Subject to regulation 4, no person shall use hexachloroethane in the manufacture or processing of non-ferrous metals.

(a) S.I. 1992/1711

(b) 1972 c. 68

(c) O.J. No. L262, 27.9.1976, p. 201

(d) O.J. No. L286, 30.10.01, p. 27

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

Exception to the prohibition

4. Hexachloroethane may be used in the manufacturing or processing of non-ferrous metals for research and development or analysis purposes.

Offences and penalties

5. A person guilty of an offence under regulation 3 shall be liable –
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.

Revocation

6. The Marketing and Use of Dangerous Substances Regulations (Northern Ireland) 1999(a) are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on 27th February 2003.

(L.S.)

Judena Goldring

A Senior Officer of the Department of the Environment

(a) S.R. 1999 No. 59

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations give effect to Commission Directive 2001/91/EC which adapted to technical progress for the eighth time Annex I to Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations.

Subject to Regulation 4, Regulation 3 prohibits the use of hexachloroethane in the manufacturing and processing of non-ferrous metals.

Regulation 4 provides that hexachloroethane may be used in the manufacturing or processing of non-ferrous metals for research and development or analysis purposes.

Regulation 5 makes it a criminal offence to contravene regulation 3 and specifies penalties for such an offence.

Regulation 6 revokes the Marketing and Use of Dangerous Substances Regulations (Northern Ireland) 1999.

In Directive 2001/91/EC hexachloroethane is identified by reference to its CAS Number, which is 67-72-1, and its EINECS Number, which is 2006664. The CAS Number is given in the CAS Registry Handbook, ISSN 0093-058X, which may be inspected at the Royal Society of Chemistry, Burlington House, Piccadilly, London W1V 0BN. The EINECS Number is given in the European Inventory of Existing Commercial Chemical Substances (O.J. No. C146A, 15.6.90, p. 1.).

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