

2003 No. 288

HEALTH AND SAFETY

**Control of Substances Hazardous to Health (Amendment)
Regulations (Northern Ireland) 2003**

Made - - - - - *3rd June 2003*

Coming into operation *11th July 2003*

The Department of Enterprise, Trade and Investment^(a), being the Department concerned^(b), in exercise of the powers conferred on it by Articles 2(5), 17(1), (2), (3), (4), (5) and (6)^(c) and 55(2) of, and paragraphs 1(1) to (5), 2(1), 5(1), 7, 8, 10, 12(1) and (3), 13, 14(1), 15 and 19 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978^(d) and of every other power enabling it in that behalf and for the purpose of giving effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland^(e) under Article 13(1A)^(f) of that Order after the carrying out by the said Executive of consultations in accordance with Article 46(3)^(g) of that Order, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Control of Substances Hazardous to Health (Amendment) Regulations (Northern Ireland) 2003 and shall come into operation on 11th July 2003.

Amendment of the Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003

2. In the Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003^(h) –

(a) in regulation 2(1), after the definition of “mine” there shall be added the following definition –

“ “mutagen” means a substance or preparation which if classified in accordance with the classification provided for by regulation 4 of the CHIP Regulations would be in the category of danger, mutagenic (category 1) or mutagenic (category 2) whether or not the substance or preparation would be required to be classified under those Regulations;”;

(b) in regulation 7(5) –

(a) Formerly the Department of Economic Development, *see* S.I. 1999/283 (N.I.), Article 3(5)
(b) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(c) Article 17 must be read with S.I. 1992/1728 (N.I. 17), Articles 3(2) and 4(2)
(d) S.I. 1978/1039 (N.I. 9); Article 47A was inserted by Article 3, and Article 2 was amended by Articles 4 and 8, of S.I. 1997/1774 (N.I. 16)
(e) Article 13 was amended by Article 4, and Article 46(1) was amended by Article 6(1) of, and paragraphs 8 and 18 of Schedule 1 to, S.I. 1998/2795 (N.I. 18)
(f) Article 13(1A) was substituted by S.I. 1998/2795 (N.I. 18), Article 4
(g) Article 46(3) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18
(h) S.R. 2003 No. 34

- (i) after the word “carcinogen” there shall be added the words “or mutagen”; and
- (ii) in each place where it occurs, after the word “carcinogens” there shall be added the words “or mutagens”.
- (c) in regulation 13(4), for the words “a carcinogen or a biological agent” there shall be substituted the words “a carcinogen, a mutagen or a biological agent”; and
- (d) at the end of Schedule 1 there shall be added the following substances –

“The following polychlorodibenzodioxins:

2, 3, 7, 8-TCDD
1, 2, 3, 7, 8-PeCDD
1, 2, 3, 4, 7, 8-HxCDD
1, 2, 3, 6, 7, 8-HxCDD
1, 2, 3, 7, 8, 9-HxCDD
1, 2, 3, 4, 6, 7, 8-HpCDD
OCDD.

The following polychlorodibenzofurans:

2, 3, 7, 8-TCDF
2, 3, 4, 7, 8-PeCDF
1, 2, 3, 7, 8-PeCDF
1, 2, 3, 4, 7, 8-HxCDF
1, 2, 3, 7, 8, 9-HxCDF
1, 2, 3, 6, 7, 8-HxCDF
2, 3, 4, 6, 7, 8-HxCDF
1, 2, 3, 4, 6, 7, 8-HpCDF
1, 2, 3, 4, 7, 8, 9-HpCDF
OCDF

where T = tetra, Pe = penta, Hx = hexa, Hp = hepta and O = octa.”.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 3rd June 2003.

(L.S.)

Michael J. Bohill

A senior officer of the Department of Enterprise, Trade and Investment

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003 (S.R. 2003 No. 34) by adding –

- (a) a definition of “mutagen” to regulation 2(1) and amending references in regulations 7 and 13 to “carcinogen” to include “mutagen” thereby implementing paragraphs 2 to 4 of article 1 of Council Directive 1999/38/EC (O.J. No. L138, 1.6.1999, p. 66) amending for the second time Council Directive 90/394/EEC (O.J. No. L196, 26.7.90, p. 1) on the protection of workers from the risks related to exposure to carcinogens at work; and
- (b) 17 polychlorodibenzodioxins and polychlorodibenzofurans to the list of substances in Schedule 1 to which the definition of “carcinogen” relates.

In Great Britain, the corresponding Regulations are the Control of Substances Hazardous to Health (Amendment) Regulations 2003 (S.I. 2003/978). Copies of the Regulatory Impact Assessment relating to those Regulations together with a Northern Ireland Supplement are held at the offices of the Health and Safety Executive for Northern Ireland at 83 Ladas Drive, Belfast BT6 9FR from where copies may be obtained on request.

A person who contravenes these Regulations or any requirement or prohibition imposed thereunder, is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable, on summary conviction, to a fine not exceeding the statutory maximum (currently £5,000) or, on conviction on indictment, to a fine.

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