
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 34

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

Interpretation

2.—(1) In these Regulations—

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978;

“appointed doctor” means a registered medical practitioner appointed for the time being in writing by the Executive for the purpose of these Regulations;

“approved” means approved for the time being in writing;

“approved classification” of a biological agent means the classification of that agent approved by the Executive;

“approved supply list” has the meaning assigned to it in regulation 2(1) of the CHIP Regulations;

“biological agent” means a micro-organism, cell culture, or human endoparasite, whether or not genetically modified, which may cause infection, allergy, toxicity or otherwise create a hazard to human health;

“carcinogen” means—

(a) 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, carcinogenic (category 1) or carcinogenic (category 2) whether or not the substance or preparation would be required to be classified under those Regulations; or

(b) a substance or preparation—

(i) listed in Schedule 1; or

(ii) arising from a process specified in Schedule 1 which is a substance hazardous to health;

“cell culture” means the in-vitro growth of cells derived from multicellular organisms;

“the CHIP Regulations” means the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2002(1);

“control measure” means a measure taken to reduce exposure to a substance hazardous to health (including the provision of systems of work and supervision, the cleaning of workplaces, premises, plant and equipment, the provision and use of engineering controls and personal protective equipment);

“employment medical adviser” means an employment medical adviser appointed under Article 48(3) of the 1978 Order;

“fumigation” means an operation in which a substance is released into the atmosphere so as to form a gas to control or kill pests or other undesirable organisms;

“Group”, in relation to a biological agent, means one of the four hazard Groups specified in paragraph 2 of Schedule 3 to which that agent is assigned;

“hazard”, in relation to a substance, means the intrinsic property of that substance which has the potential to cause harm to the health of a person;

“health surveillance” means assessment of the state of health of an employee, as related to exposure to substances hazardous to health, and includes biological monitoring;

“health record” means any record kept under regulation 11(3) and in relation to any employee

“personal health record” means any such record as relates to him;

“inhalable dust” means airborne material which is capable of entering the nose and mouth during breathing, as defined by BS EN 481 1993;

“maximum exposure limit” for a substance hazardous to health means the maximum exposure limit approved by the Executive for that substance in relation to the specified reference period when calculated by a method approved by the Executive;

“medical examination” includes any laboratory tests and X-rays that a relevant doctor may require;

“micro-organism” means a microbiological entity, cellular or non-cellular, which is capable of replication or of transferring genetic material;

“monitoring record” means any record kept under regulation 10(5) and in relation to any employee “personal monitoring record” means any such record as relates to him;

“mine” has the meaning assigned to it by section 156 of the Mines Act (Northern Ireland) 1969(2);

“occupational exposure standard” for a substance hazardous to health means the standard approved by the Executive for that substance in relation to the specified reference period when calculated by a method approved by the Executive;

“personal protective equipment” means all equipment (including clothing) which is intended to be worn or held by a person at work and which protects that person against one or more risks to his health, and any addition or accessory designed to meet that objective;

“preparation” means a mixture or solution of two or more substances;

“public road” includes any part of a public road and any bridge or tunnel over or through which passes a public road, as defined by Article 2 of the Road Traffic (Northern Ireland) Order 1995(3);

“registered dentist” has the meaning assigned to it in section 53(1) of the Dentists Act 1984(4);

“registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983(5);

“relevant doctor” means an appointed doctor or an employment medical adviser;

“respirable dust” means airborne material which is capable of penetrating to the gas exchange region of the lung, as defined by BS EN 481 1993;

“risk”, in relation to the exposure of an employee to a substance hazardous to health, means the likelihood that the potential for harm to the health of a person will be attained under the conditions of use and exposure and also the extent of that harm;

“the risk assessment” means the assessment of risk required by regulation 6(1)(a);

(2) 1969 c. 6 (N.I.)

(3) S.I. 1995/2994 (N.I. 18)

(4) 1984 c. 24

(5) 1983 c. 54

“safety data sheet” means a safety data sheet within the meaning of regulation 5 of the CHIP Regulations;

“substance” means a natural or artificial substance whether in solid or liquid form or in the form of a gas or vapour (including micro-organisms);

“substance hazardous to health” means a substance (including a preparation)–

- (a) which is listed in Part I of the approved supply list as dangerous for supply within the meaning of the CHIP Regulations and for which an indication of danger specified for the substance is very toxic, toxic, harmful, corrosive or irritant;
- (b) for which the Executive has approved a maximum exposure limit or an occupational exposure standard;
- (c) which is a biological agent;
- (d) which is dust of any kind, except dust which is a substance within paragraph (a) or (b), when present at a concentration in air equal to or greater than–
 - (i) 10 mg/m³, as a time-weighted average over an 8-hour period, of inhalable dust; or
 - (ii) 4 mg/m³, as a time-weighted average over an 8-hour period, of respirable dust;
- (e) which, not being a substance falling within sub-paragraphs (a) to (d), because of its chemical or toxicological properties and the way it is used or is present at the workplace creates a risk to health;

“territorial sea” means the territorial sea of the United Kingdom adjacent to Northern Ireland and “within the territorial sea” includes on, over and under it;

“workplace” means any premises or part of premises used for or in connection with work, and includes–

- (a) any place within the premises to which an employee has access while at work; and
- (b) any room, lobby, corridor, staircase, road or other place–
 - (i) used as a means of access to or egress from that place of work; or
 - (ii) where facilities are provided for use in connection with that place of work, other than a public road.

(2) In these Regulations, a reference to an employee being exposed to a substance hazardous to health is a reference to the exposure of that employee to a substance hazardous to health arising out of or in connection with work at the workplace.

(3) Where a biological agent has an approved classification, any reference in these Regulations to a particular Group in relation to that agent shall be taken as a reference to the Group to which that agent has been assigned in that approved classification.