
STATUTORY INSTRUMENTS

2009 No. 716

HEALTH AND SAFETY

**The Chemicals (Hazard Information and
Packaging for Supply) Regulations 2009**

<i>Made</i>	- - - -	<i>16th March 2009</i>
<i>Laid before Parliament</i>		<i>16th March 2009</i>
<i>Coming into force</i>	- -	<i>6th April 2009</i>

The Secretary of State is a Minister designated for the purpose of section 2(2) of the European Communities Act 1972^{M1} (“the 1972 Act”) in relation to the regulation and control of classification, packaging and labelling of dangerous substances and preparations^{M2}, and for measures relating to consumer protection^{M3}.

The Secretary of State makes these Regulations:

- (a) in exercise of the powers conferred upon him by section 2(2) of the 1972 Act and by sections 15(1), (2), (3)(c), (4)(b), (6)(b), (8) and (9) and 82(3)(a) of, and paragraphs 1(1)(b) and (c), (4) and (5), 2(1), 3(2), 15(1) and 16 of Schedule 3 to, the Health and Safety at Work etc. Act 1974^{M4} (“the 1974 Act”); and
- (b) for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Executive under section 11(3)^{M5} of the 1974 Act after the carrying out by the said Executive of consultations in accordance with section 50(3) of that Act.

These Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Secretary of State that it is expedient for references in these Regulations to—

- (i) the Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008^{M6} on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC^{M7} and 1999/45/EC^{M8}, and amending Regulation (EC) No 1907/2006^{M9}, be construed as including references to articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraph and Annexes I to VII of that Regulation as amended from time to time; and
- (ii) the [F1]Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals, of which Annexes I, II, V and VI are as amended from time to time].

F1 Words in Preamble substituted (1.3.2014) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013 \(S.I. 2013/1506\)](#), [reg. 2\(4\)](#), [Sch. 4 para. 1](#) (with regs. 3(4)(5), 31)

Marginal Citations

- M1** 1972 c. 68. The power of the Minister to make regulations in relation to matters in or as regards Scotland is preserved by section 57(1) of the [Scotland Act 1998 \(c. 46\)](#).
- M2** [S.I. 1976/897](#).
- M3** [S.I. 1993/2661](#).
- M4** 1974 c. 37, as amended by [S.I. 2008/960](#). Section 1(1)(c) was modified by the Health and Safety at Work etc. Act (Application to Environmentally Dangerous Substances) Regulations 2002, [S.I. 2002/282](#). There are other amending instruments but none is relevant.
- M5** Section 11(3) is substituted by [S.I. 2008/960](#).
- M6** OJ No L353, 31.12.08, p. 1.
- M7** OJ No L196, 16.8.67, p. 1.
- M8** OJ No L 200, 30.7.99, p. 1.
- M9** OJ No L 396, 30.12.06, p. 1.

PART 1

INTRODUCTION

Citation, commencement and extent

F21.

F2 [Regs. 1-3](#) revoked (1.6.2018) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013 \(S.I. 2013/1506\)](#), regs. 2(1), **36(d)** (with reg. 3(4)(5), 31)

Interpretation

F22.

F2 [Regs. 1-3](#) revoked (1.6.2018) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013 \(S.I. 2013/1506\)](#), regs. 2(1), **36(d)** (with reg. 3(4)(5), 31)

Application

F23.

F2 [Regs. 1-3](#) revoked (1.6.2018) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013 \(S.I. 2013/1506\)](#), regs. 2(1), **36(d)** (with reg. 3(4)(5), 31)

PART 2

GENERAL REQUIREMENTS

Classification of dangerous substances and dangerous preparations

F34.

F3 Reg. 4 revoked (1.6.2015) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013](#) (S.I. 2013/1506), regs. 2(1), **36(b)** (with regs. 3(4)(5), 31)

Safety data sheets for substances and preparations

F4 **5.**

F4 Reg. 5 revoked (1.9.2013) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013](#) (S.I. 2013/1506), regs. 2(1), **36(a)** (with regs. 3(4)(5), 31)

[**F5** Advertisements for dangerous preparations

5A.—(1) Subject to paragraph (2), a person who supplies a dangerous preparation shall not advertise that preparation, or arrange for the production of any such advertisement, unless mention is made in the advertisement of the type of hazard indicated on the label.

(2) Paragraph (1) shall apply only in respect of a dangerous preparation where the advertisement enables a person, otherwise than in the course of a business, to conclude a contract to purchase the dangerous preparation before that person has seen the label relating to the dangerous preparation.

(3) In this regulation, “supply” has the same meaning as it has in section 46 of the Consumer Protection Act 1987.]

F5 Reg. 5A inserted (1.9.2013) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013](#) (S.I. 2013/1506), reg. 2(1), **Sch. 4 para. 3** (with regs. 3(4)(5), 31)

Packaging of dangerous substances, dangerous preparations and certain specified preparations

F6 **6.**

F6 Regs. 6-11 revoked (1.6.2015) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013](#) (S.I. 2013/1506), regs. 2(1), **36(b)** (with regs. 3(4)(5), 31)

Labelling of dangerous substances and dangerous preparations

F6 **7.**

F6 Regs. 6-11 revoked (1.6.2015) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013](#) (S.I. 2013/1506), regs. 2(1), **36(b)** (with regs. 3(4)(5), 31)

Labelling of single receptacles and receptacles in outer packagings

F6 **8.**

F6 Regs. 6-11 revoked (1.6.2015) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013](#) (S.I. 2013/1506), regs. 2(1), **36(b)** (with regs. 3(4)(5), 31)

Particular labelling requirements for certain preparations

F69.

F6 Regs. 6-11 revoked (1.6.2015) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013](#) (S.I. 2013/1506), regs. 2(1), **36(b)** (with regs. 3(4)(5), 31)

Methods of marking or labelling packages

F610.

F6 Regs. 6-11 revoked (1.6.2015) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013](#) (S.I. 2013/1506), regs. 2(1), **36(b)** (with regs. 3(4)(5), 31)

Child resistant fastenings, tactile warning devices and other consumer protection measures

F611.

F6 Regs. 6-11 revoked (1.6.2015) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013](#) (S.I. 2013/1506), regs. 2(1), **36(b)** (with regs. 3(4)(5), 31)

Retention of data for dangerous preparations

F712.

F7 Reg. 12 revoked (1.6.2018) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013](#) (S.I. 2013/1506), regs. 2(1), **36(d)** (with regs. 3(4)(5), 31)

Transitional provisions for dangerous substances, dangerous preparations and certain specified preparations

F813.

F8 Reg. 13 revoked (1.6.2015) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013](#) (S.I. 2013/1506), regs. 2(1), **36(b)** (with regs. 3(4)(5), 31)

PART 3

MISCELLANEOUS

Enforcement

F914.

F9 Regs. 14-18 revoked (1.6.2015 except to the extent that they continue to apply for the purposes of enforcing S.I. 2009/716, reg. 12) by [The Biocidal Products and Chemicals \(Appointment of](#)

Authorities and Enforcement) Regulations 2013 (S.I. 2013/1506), regs. 2(1), **36(c)** (with regs. 3(4)(5), 31)

Defence

F9 15.

F9 Regs. 14-18 revoked (1.6.2015 except to the extent that they continue to apply for the purposes of enforcing S.I. 2009/716, reg. 12) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013](#) (S.I. 2013/1506), regs. 2(1), **36(c)** (with regs. 3(4)(5), 31)

Extension outside Great Britain

F9 16.

F9 Regs. 14-18 revoked (1.6.2015 except to the extent that they continue to apply for the purposes of enforcing S.I. 2009/716, reg. 12) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013](#) (S.I. 2013/1506), regs. 2(1), **36(c)** (with regs. 3(4)(5), 31)

Revocations and amendments

F9 17.

F9 Regs. 14-18 revoked (1.6.2015 except to the extent that they continue to apply for the purposes of enforcing S.I. 2009/716, reg. 12) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013](#) (S.I. 2013/1506), regs. 2(1), **36(c)** (with regs. 3(4)(5), 31)

F9 18.

F9 Regs. 14-18 revoked (1.6.2015 except to the extent that they continue to apply for the purposes of enforcing S.I. 2009/716, reg. 12) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013](#) (S.I. 2013/1506), regs. 2(1), **36(c)** (with regs. 3(4)(5), 31)

Signed by authority of the Secretary of State for Work and Pensions.

Parliamentary Under-Secretary of State,
Department for Work and Pensions

William D. McKenzie

Changes to legislation: There are currently no known outstanding effects for the The Chemicals (Hazard Information and Packaging for Supply) Regulations 2009. (See end of Document for details)

F10 SCHEDULE 1

Regulations 2(1) and 4(4)

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F10 Sch. 1 revoked by virtue of the revocation of regs. 2, 4 (1.6.2018) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013 \(S.I. 2013/1506\)](#), regs. 2(1), **36(b)(d)** (with regs. 3(5), 31)

F11 SCHEDULE 2

Regulations 2(1), 8(2) and 10(6)

INDICATIONS OF DANGER AND SYMBOLS FOR DANGEROUS
SUBSTANCES AND DANGEROUS PREPARATIONS

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F11 Sch. 2 revoked by virtue of the revocation of regs. 2, 8, 10 (1.6.2018) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013 \(S.I. 2013/1506\)](#), regs. 2(1), **36(b)(d)** (with regs. 3(5), 31)

F12 SCHEDULE 3

Regulation 4(7)

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F12 Sch. 3 revoked by virtue of the revocation of reg. 4 (1.6.2015) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013 \(S.I. 2013/1506\)](#), regs. 2(1), **36(b)** (with regs. 3(5), 31)

F13 SCHEDULE 4

Regulations 7 and 9

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F13 Sch. 4 revoked by virtue of the revocation of regs. 7, 9 (1.6.2015) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013 \(S.I. 2013/1506\)](#), regs. 2(1), **36(b)** (with regs. 3(5), 31)

F14 SCHEDULE 5

Regulation 11

Changes to legislation: There are currently no known outstanding effects for the The Chemicals (Hazard Information and Packaging for Supply) Regulations 2009. (See end of Document for details)

F14 Sch. 5 revoked by virtue of the revocation of reg. 11 (1.6.2015) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013 \(S.I. 2013/1506\)](#), regs. 2(1), **36(b)** (with regs. 3(5), 31)

F15SCHEDULE 6

Regulation 17

AMENDMENTS

F15 Sch. 6 revoked by virtue of the revocation of reg. 17 (1.6.2015 except to the extent that they continue to apply for the purposes of enforcing S.I. 2009/716, reg. 12) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013 \(S.I. 2013/1506\)](#), regs. 2(1), **36(c)** (with regs. 3(5), 31)

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SCHEDULE 7

Regulation 18

REVOCATIONS

<i>Regulations revoked</i>	<i>References</i>	<i>Extent of Revocation</i>
The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002	S.I. 2002/1689	The whole Regulations.
The Control of Substances Hazardous to Health (Amendment) Regulations 2004	S.I. 2004/3386	Regulation 3.
The Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations 2005	S.I. 2005/2571	The whole Regulations.
The Legislative Reform (Health and Safety Executive) Order 2008	S.I. 2008/960	The reference to the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 in Schedule 3.
The Export and Import of Dangerous Chemicals Regulations 2008	S.I. 2008/2108	Regulation 5 paragraphs (2) and (4).
The Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations 2008	S.I. 2008/2337	The whole Regulations.

The REACH Enforcement
Regulations 2008

S.I. 2008/2852

Paragraphs 1 to 4 of Part 3 of
Schedule 10.

EXPLANATORY NOTE

(This note is not part of the Order)

1. These Regulations consolidate, revoke and re-enact with amendments the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002.
2. These Regulations, as respects Great Britain—
 - (a) provide for the enforcement of Regulation [\(EC\) No 1272/2008](#) of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (OJ No L353, 31.12.08, p. 1) (“the CLP Regulation”), in addition to the enforcement of these Regulations;
 - (b) implement parts of Directive [2006/121/EC](#) (OJ No L396, 30.12.06, p. 850) of the European Parliament and the Council of 18 December 2006 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances in order to adapt it to Regulation [\(EC\) No 1907/2006](#) (OJ L142, 31.5.08, p. 1) concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (“REACH”) and establishing a European Chemicals Agency;
 - (c) implement Council Directive [1992/32/EEC](#) (OJ No. L154, 5.6.92, p. 1) amending for the 7th time Council Directive [67/548/EEC](#) (OJ No. L196, 16.8.67, p. 1), in so far as its provisions relate to the classification, packaging and labelling of dangerous substances (“the substances Directive”); and
 - (d) implement Council Directive [1999/45/EC](#) (OJ No. L200, 30.7.99, p. 1) on the classification, packaging and labelling of dangerous preparations (“the preparations Directive”).
3. These Regulations also implement the Directives referred to below which adapt to technical progress and modify the substances Directive and the preparations Directive. These Directives are—
 - (a) Commission Directive [91/410/EEC](#) (OJ No L228, 17.8.91, p. 67) 14th adaptation to technical progress of the substances Directive;
 - (b) Commission Directive [93/21/EEC](#) (OJ No L110, 4.5.93, p. 20), 18th adaptation to technical progress of the substances Directive;
 - (c) Commission Directive [2000/32/EC](#) (OJ No L136, 8.6.2000, p. 1) 26th adaptation to technical progress of the substances Directive;
 - (d) Commission Directive [2001/59/EC](#) (OJ No L225, 21.8.2001, p. 1) 28th adaptation to technical progress of the substances Directive;
 - (e) Commission Directive [2004/73/EC](#) (OJ No L152, 30.4.04, p.1) 29th adaptation to technical progress of the substances Directive;
 - (f) Commission Directive [2001/60/EC](#) (OJ No. L226, 22.8.2001, p. 5) 1st adaptation to technical progress of the preparations Directive; and

- (g) Commission Directive [2006/8/EC](#) (OJ No L19, 24.1.2006 p. 12) amending, for the purposes of their adaptation to technical progress, Annexes II, III and V to the preparations Directive.

4. The main purpose of the CLP Regulation is to adopt within the European Community the Globally Harmonised System of Classification and Labelling of Chemicals (GHS) published by the UN Social and Economic Council (Second Revised Edition ISBN-13:978-92-1-116957-7). The UN GHS is the result of an international agreement made at the United Nations Conference on Environment and Development in Rio de Janeiro in 1992, and the World Summit on Sustainable Development in Johannesburg in 2002. It sets out internationally accepted definitions and criteria to identify the hazards of chemicals and to communicate those hazards via labels and safety data sheets. The GHS is a voluntary international agreement and countries may keep national requirements that are not covered by the GHS provided that they do not contradict it.

5. The CLP Regulation progressively replaces, with transitional arrangements, the current Community classification and labelling system for hazardous chemicals with a new system based on the GHS. It replaces certain provisions of the substances Directive and the preparations Directive relating to the classification, packaging and labelling of substances and preparations through a two-stage process, first for substances and then for mixtures (currently referred to as “preparations”). Whilst many of the classification criteria, hazard symbols and labelling phrases are similar to the existing system, there are also some differences. The CLP Regulation requires dutyholders to classify, label and package hazardous chemicals before placing them on the market in accordance with its provisions.

6. Council Directive [2006/121/EC](#) of Regulation (EC) No 1907/2006 (“REACH”) amends the substances Directive in order to adapt it to REACH. The major changes effected by Council Directive [2006/121/EC](#) are to remove the provisions on the notification of new substances and on the provision of safety data sheets from the substances Directive. These provisions are now included in REACH and the changes are implemented by the REACH Enforcement Regulations 2008 (S.I. 2008/2852). The remaining changes effected by Council Directive [2006/121/EC](#) are to delete references to Annex V of the substances Directive and replace references to it with references to the relevant parts of Commission Regulation (EC) No 440/2008 (OJ L142, 31.5.08, p. 1) laying down test methods pursuant to REACH and to amend certain other references. These remaining changes are implemented in these Regulations by the Approved Classification and Labelling Guide.

7. The terms and expressions used in the Regulations are defined in regulation 2 and the scope of the Regulations is described in regulation 3.

8. Regulations 4 to 10 implement the substances Directive and the preparations Directive. Regulation 11 implements the preparations Directive.

9. Regulation 4 describes the procedures for classifying dangerous substances and dangerous preparations. Regulation 5 refers to the safety data sheet provisions of REACH. Regulation 6 imposes requirements relating to the packaging of dangerous substances and dangerous preparations.

10. Regulation 7 imposes requirements in respect of the particulars that shall be shown on the labels for dangerous substances and dangerous preparations. Special labelling requirements are imposed in regulations 8 and 9. Regulation 10 imposes requirements in respect of the methods of marking and labelling of packages that contain dangerous substances or dangerous preparations.

11. Regulation 11 requires that the packaging of certain substances and preparations be provided with child resistant fastenings or tactile warning devices or both, and sets out the standards to which they shall conform.

12. Regulation 12 requires a person who classifies a dangerous preparation to retain the data used for the classification for at least three years after the preparation was last supplied.

Changes to legislation: There are currently no known outstanding effects for the The Chemicals (Hazard Information and Packaging for Supply) Regulations 2009. (See end of Document for details)

13. Regulation 13 provides for transitional periods for compliance with the CLP Regulation. According to these arrangements, suppliers must classify both substances and mixtures according to regulation 4 until 1st June 2015, and must classify, label and package according to the CLP Regulation from 1st December 2010 for substances and 1st June 2015 for mixtures. However they may choose to classify, label and package in accordance with the CLP Regulation before 1st December 2010 for substances and 1st June 2015 for mixtures, in which case the requirements in regulations 6 to 11 on labelling and packaging cease to apply. Regulations 6 to 11 in any case cease to apply from 1st December 2010 for substances and 1st June 2015 for mixtures. Regulation 13 also describes the transitional arrangements for retention of data for dangerous preparations.

14. Regulation 14 makes provision for the enforcement of the Regulations and the CLP Regulation. Regulation 15 provides for a defence in specific circumstances in the case of contravention of the Regulations. Provision is made in regulation 16 to extend the application of the Regulations outside Great Britain. Revocations and amendments are set out in regulation 17 and 18.

15. Copies of the publications referred to in the Regulations are obtainable as follows—

- (a) the approved classification and labelling guide (ISBN 0 7176 2369 6) from HSE Books (<http://www.hsebooks.com> or HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA);
- (b) The British and International Standards referred to in regulation 11 and Schedule 5 (relating to child resistant fastenings and tactile warning devices) from the British Standards Institution, 389 Chiswick High Road, London W4 4AL or online (<http://www.bsi-global.com/upload/Standards%20&%20Publications/shop.html>). 16. A copy of the regulatory impact assessment prepared in respect of these Regulations can be obtained from the Health and Safety Executive, Redgrave Court, Merton Road, Bootle, Merseyside L20 7HS. A copy of the transposition note in relation to the implementation of the Directives set out in paragraphs 2 and 3 can be obtained from the Health and Safety Executive, International Branch at the same address. Copies of these documents have been placed in the Library of each House of Parliament.

Changes to legislation:

There are currently no known outstanding effects for the The Chemicals (Hazard Information and Packaging for Supply) Regulations 2009.