
STATUTORY INSTRUMENTS

2009 No. 716

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

PART 1

INTRODUCTION

Application

3.—(1) Subject to paragraphs (2) to (6), these Regulations shall apply to any dangerous substance or dangerous preparation.

(2) These Regulations shall not apply to a substance or preparation which is—

- (a) intended for use as a medicinal product within the meaning of section 130 of the Medicines Act 1968⁽¹⁾;
- (b) intended for use as a veterinary medical product within the meaning of regulation 2(1) of the Veterinary Medicines Regulations 2008⁽²⁾;
- (c) intended for use as an investigational medical product within the meaning of the Medicines for Human Use (Clinical Trials) Regulations 2004⁽³⁾;
- (d) specified in an order made under section 104 or 105 of the Medicines Act 1968 which is for the time being in force and which directs that specified provisions of that Act shall have effect in relation to medicinal products within the meaning of that Act;
- (e) a controlled drug within the meaning of the Misuse of Drugs Act 1971⁽⁴⁾ except that these Regulations shall apply to drugs which are excepted from section 4(1)(b) of that Act (which makes it unlawful to supply a controlled drug) by Regulations made under section 7(1)(a) of that Act;
- (f) a cosmetic product within the meaning of the Cosmetic Products (Safety) Regulations 2008⁽⁵⁾;
- (g) in the form of waste to which the Waste Management Licensing Regulations 1994⁽⁶⁾, the Special Waste Regulations 1996⁽⁷⁾, the Hazardous Waste (Wales) Regulations 2005⁽⁸⁾ or the Hazardous Waste (England and Wales) Regulations 2005⁽⁹⁾ applies;
- (h) intended for use as food within the meaning of section 1 of the Food Safety Act 1990⁽¹⁰⁾;

⁽¹⁾ 1968 c. 67, as amended by S.I. 2006/2407. There are other amendments not relevant to these Regulations.

⁽²⁾ S.I. 2008/2297, to which there is an amendment not relevant to these Regulations.

⁽³⁾ S.I. 2004/1031, to which there are amendments not relevant to these Regulations.

⁽⁴⁾ 1971 c. 38.

⁽⁵⁾ S.I. 2008/1284, to which there are amendments not relevant to these Regulations.

⁽⁶⁾ S.I. 1994/1056.

⁽⁷⁾ S.I. 1996/972 as amended by S.S.I. 2004/112. There is a further amending instrument but this is not relevant to these Regulations.

⁽⁸⁾ S.I. 2005/1806 (W. 138), as amended by regulation 45 of S.I. 2007/3538.

⁽⁹⁾ S.I. 2005/894, to which there are amendments not relevant to these Regulations.

⁽¹⁰⁾ 1990 c. 16.

- (i) intended for use as feeding stuff within the meaning of section 66(1) of the Agriculture Act 1970⁽¹¹⁾;
 - (j) a radioactive substance or a preparation containing radioactive substances; or
 - (k) a medical device within the meaning of the Medical Devices Regulations 2002⁽¹²⁾ which is invasive or used in direct contact with the human body, in the finished state, intended for the final user.
- (3) These Regulations shall not apply to—
- (a) a substance or preparation which is a sample taken by an authority responsible for the enforcement of any requirement imposed by or under any enactment;
 - (b) a substance or preparation which is under customs control; or
 - (c) subject to Regulation (EC) No 689/2008 of the European Parliament and of the Council of 17 June 2008 concerning the export and import of dangerous chemicals, of which Annexes I and V are as amended from time to time, a substance or a preparation which is intended for export to a country which is not an EEA State.
- (4) Regulations 6 to 11 shall only apply to substances and preparations which are supplied in packages.
- (5) Regulations 6 to 11 shall not apply to munitions and explosives which are supplied with a view to obtaining an explosive or pyrotechnic effect.
- (6) These Regulations shall not apply to the carriage of substances or preparations by rail, road, inland waterway, sea or air.

⁽¹¹⁾ 1970 c. 40, as amended by regulation 3(1)(a) of S.I. 2005/3281; regulation 3(1)(a) of S.S.I. 2005/605 and regulation 3(1)(a) of S.I. 2006/116. There are other amending instruments, but none is relevant.

⁽¹²⁾ S.I. 2002/618, to which there are amendments not relevant to these regulations.