STATUTORY RULES OF NORTHERN IRELAND

2015 No. 265

HEALTH AND SAFETY

The Classification, Labelling and Packaging of Chemicals (Amendment) Regulations (Northern Ireland) 2015

Made - - - -	*4th June 2015*
Coming into operation	*1st July 2015*

The Department of Enterprise, Trade and Investment(**1**), being the Department concerned(**2**), makes the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 ("the 1972 Act")(**3**) and Articles 17(1), (2) and (3), 54(1) and 55(2) of the Health and Safety at Work (Northern Ireland) Order 1978(**4**) ("the 1978 Order").

The Department was designated for the purposes of section 2(2) of the 1972 Act in relation to the regulation and control of classification, packaging and labelling of dangerous substances and preparations(**5**).

The Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Department that it is expedient for the references to provisions of EU instruments to be construed as references to those provisions as amended from time to time.

The Regulations give effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A)(**6**) of the 1978 Order after the Executive has carried out consultations in accordance with Article 46(3)(**7**).

It appears to the Department that the modifications made by regulation 13 are expedient as set out in Article 54(1) of the 1978 Order. It also appears to the Department not to be appropriate to consult bodies in respect of those modifications for the purposes of Article 54(5) of the 1978 Order.

(**1**) Formerly the Department of Economic Development; *see*S.I. 1999/283 (N.I. 1), Article 3(5); that Department was formerly the Department of Manpower Services, *see*S.I. 1982/846 (N.I. 11), Article 3
(**2**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**3**) 1972 c. 68; the enabling powers conferred by section 2(2) were extended by virtue of section 1 of the European Economic Area Act 1993 (c. 51). Section 2(2) was further amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7)
(**4**) S.I. 1978/1039 (N.I. 9): the general purposes of Part II referred to in Article 17(1) were extended by S.I. 1992/1728 (N.I. 17), Articles 3(1) and 4(1). Article 55(2) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraph 19
(**5**) S.I. 1976/897, to which there are amendments not relevant to these Regulations
(**6**) Article 13(1) was substituted by S.I. 1998/2795 (N.I. 18), Article 4
(**7**) Article 46(3) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Classification, Labelling and Packaging of Chemicals (Amendment) Regulations (Northern Ireland) 2015 and shall come into operation on 1st July 2015.

(2) The Interpretation Act (Northern Ireland) 1954(**8**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Petroleum (Consolidation) Act (Northern Ireland) 1929

2.—(1) The Petroleum (Consolidation) Act (Northern Ireland) 1929(**9**) is amended as follows.

(2) In Section 23(1)—

(a) omit the definition of "the Directive"; and

(b) for the definition of "petroleum-spirit" substitute—

> ""petroleum-spirit" means petrol, petroleum or a mixture of petroleum with one or more substances which—
>
> (a) is liquid at a temperature of 15°C and a pressure of 101.325 kPa (1013.25 mb); and
>
> (b) when tested in accordance with Part A.9 of the Annex to Council Regulation (EC) No 440/2008(**10**) (laying down the test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals REACH), has a flash point (as defined in that Part) of less than 21°C;".

Amendment of the Fire Certificates (Special Premises) Regulations (Northern Ireland) 1991

3.—(1) The Fire Certificates (Special Premises) Regulations (Northern Ireland) 1991(**11**) are amended as follows.

(2) In the definition of "highly flammable liquid" in paragraph 24 of Schedule 1 (premises for which a fire certificate is required)—

(a) for sub-paragraph (a) substitute—

> "(a) when tested in accordance with Part A.9 of the Annex to Council Regulation (EC) No 440/2008(**12**) (laying down the test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals REACH), has a flash point (as defined in that Part) of less than 32°C except that, if the flash point determined by using one of the non-equilibrium methods referred to in that Part falls within the range 30°C to 34°C, that flash point shall be confirmed by the use of like apparatus using the appropriate equilibrium method referred to in that Part; and"; and

(b) omit head (ii).

(**8**) 1954 c. 33 (N.I.), as amended by S.I. 1999/663
(**9**) 1929 c. 13 (N.I.), the relevant amendment to section 23 was made by S.R. 2003 No. 152
(**10**) OJ L 142, 31.5.2008, p. 1-739, there are amendments to the Regulation, none of which is relevant
(**11**) S.R. 1991 No. 446, as amended by S.R. 1991 No. 509, S.R. 1992 No. 413, S.R. 1999 No. 150, S.R. 2001 No. 436 and S.R. 2003 No. 152
(**12**) OJ L 142, 31.5.2008, p. 1-739, there are amendments to the Regulation, none of which is relevant

Amendment of the Health and Safety (Safety Signs and Signals) Regulations (Northern Ireland) 1996

4.—(1) The Health and Safety (Safety Signs and Signals) Regulations (Northern Ireland) 1996(**13**) are amended as follows.

(2) In regulation 2(1), after the definition of "acoustic signal" insert—

""the CLP Regulation" means 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, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation (EC) No. 1907/2006, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;".

(3) In regulation 3(a)—

(a) for "dangerous" substitute "hazardous"; and

(b) for "preparation" substitute "mixture".

(4) In Schedule 1—

(a) in Part I, for paragraph 12 substitute—

"**12.** Areas, rooms or enclosures used for the storage of significant quantities of hazardous substances or mixtures shall be indicated by a suitable warning sign taken from paragraph 3.2 of Part II, or marked as provided in paragraph 1 of Part III, unless the labelling of individual packages or containers is adequate for this purpose. If there is no equivalent warning sign in paragraph 3.2 of Part II to warn about hazardous chemical substances or mixtures, the relevant hazard pictogram, as laid down in Annex V to the CLP Regulation, shall be used."; and

(b) in Part II, after paragraph 2.2 insert—

"**2.3.** The "General danger" warning sign shall not be used to warn about hazardous substances or mixtures, except for cases where the warning sign is used to indicate stores of a number of hazardous substances or mixtures in accordance with paragraph 5 of Part III of Schedule 1 to these Regulations.";

(c) in paragraph 3.2 of Part II, delete the warning sign for 'Harmful or irritant material';

(d) in Part III—

(i) for paragraph 1 substitute—

"**1.** Containers used at work for chemical substances or mixtures classified as hazardous according to the criteria for any physical or health hazard class in accordance with the CLP Regulation, and containers used for storage of such hazardous substances or mixtures, together with the visible pipes containing or transporting such hazardous substances or mixtures, shall be labelled with the relevant hazard pictograms in accordance with that Regulation.

Paragraph 1 does not apply to containers used at work for brief periods nor to containers whose contents change frequently, provided that alternative adequate measures are taken, in particular for information and/or training which guarantee the same level of protection.

The labels referred to in paragraph 1 may be:

(**13**) S.R. 1996 No. 119, as amended by S.R. 1997 No. 247, S.R. 1999 No. 150, S.R. 2000 No. 388, S.R. 2006 No. 173, S.R. 2010 No. 160 and revoked in part by S.R. 2006 No. 1

— replaced by warning signs as provided for in Part II, using the same pictograms or symbols. If there is no equivalent warning sign in Schedule 1, Part II, the relevant hazard pictogram, as laid down in Annex V to the CLP Regulation shall be used.

— supplemented by additional information, such as the name and/or formula of the hazardous substance or mixture and details of the hazard.

— for the transporting of containers at the place of work, supplemented or replaced by signs applicable throughout the Union for the transport of hazardous substances or mixtures.”; and

(ii) in paragraph 5, for “dangerous substances or preparations”, in both places where it occurs substitute “hazardous substances or mixtures”.

Amendment of the Pipelines Safety Regulations (Northern Ireland) 1997

5.—(1) The Pipelines Safety Regulations (Northern Ireland) 1997(**14**) are amended as follows.

(2) In Schedule 2, for paragraph 10 substitute—

“**10.**—(1) For the purposes of this Schedule—

(a) a liquid is oxidising if it meets the criteria set out in Annex I to the CLP Regulation (“the Annex”) for classification in either of the following hazard classes—

(i) oxidising liquids of category 1, 2 or 3; or

(ii) organic peroxides Types C to F;

(b) a fluid is toxic if it meets the criteria set out in the Annex for classification in either of the following hazard classes—

(i) acute toxicity category 3, or

(ii) specific target organ toxicity (repeated exposure) category 1; and

(c) a fluid is very toxic if it meets the criteria set out in the Annex for classification in either of the following hazard classes—

(i) acute toxicity category 1 or 2, or

(ii) specific target organ toxicity (single exposure) category 1.

(2) In this paragraph, “CLP Regulation” means 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, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation (EC) No. 1907/2006, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time.”.

Amendment of the Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997

6.—(1) The Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997(**15**) are amended as follows.

(2) In regulation 20(3)—

(a) omit sub-paragraph (b);

(**14**) S.R. 1997 No. 193, as amended by S.R. 1999 No. 150 and S.R. 2009 No. 238
(**15**) S.R. 1997 No. 248, as amended by S.R. 1998 No. 125, S.R. 1999 No. 150, S.R. 2002 No. 34 and revoked in part by S.R. 2003 No. 152 and S.R. 2006 No. 173

(b) for sub-paragraph (f) substitute—

"(f) "petroleum-spirit" means petrol, petroleum or a mixture of petroleum with one or more substances which—

(i) is liquid at a temperature of 15°C and a pressure of 101.325 kPa (1013.25 mb); and

(ii) when tested in accordance with Part A.9 of the Annex to Council Regulation (EC) No 440/2008(**16**) (laying down the test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals REACH), has a flash point (as defined in that Part) of less than 21°C; and".

Amendment of the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999

7.—(1) The Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999(**17**) are amended as follows.

(2) In regulation 2(1)—

(a) after the definition of "agricultural activities" insert—

""the CLP Regulation" means 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, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation (EC) No. 1907/2006, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;";

(b) after the definition of ""construction work" and "contractor"" insert—

""dangerous substance or dangerous preparation" means any hazardous substances or mixtures which meets the criteria for classification within any health hazard or physical hazard class laid down in the CLP Regulation";

(c) after the definition of "gas system" insert—

""hazardous substance or mixture" means a substance or mixture which meets the criteria for classification within any health hazard or physical hazard class laid down in the CLP Regulation;";

(d) omit the definition of "preparation dangerous for supply"; and

(e) omit the definition of "substance dangerous for supply".

(3) In Schedule 1—

(a) in paragraph 1(b), for "substance or preparation dangerous for supply" substitute "dangerous substance or dangerous preparation"; and

(b) after paragraph 1(b) insert—

"(ba) where the main activity is the sale or storage for wholesale distribution of any hazardous substance or mixture;".

(**16**) OJ L 142, 31.5.2008, p. 1-739, there are amendments to the Regulation, none of which is relevant

(**17**) S.R. 1999 No. 90, as amended by S.R. 2000 No. 375, S.R. 2003 No. 33, S.R. 2006 No. 205, S.R. 2006 No. 425, S.R. 2007 No. 31, S.R. 2007 No. 291, S.R. 2009 No. 238, S.R. 2012 No. 179 and S.R. 2014 No. 224