STATUTORY RULES OF NORTHERN IRELAND

2003 No. 548

EUROPEAN COMMUNITIES
PUBLIC HEALTH

The Marketing and Use of Dangerous Substances (No. 4) Regulations (Northern Ireland) 2003

Made - - - - 23rd December 2003
Coming into operation in accordance with regulation 1(2) and (3)

The Department of the Environment, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to restrictions on the marketing and use of certain dangerous substances and preparations, in exercise of the powers conferred on it by that section and of every other power enabling it in that behalf, makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Marketing and Use of Dangerous Substances (No. 4) Regulations (Northern Ireland) 2003.

(2) Regulations 1, 2, 3, 4 and 7 shall come into operation on 6th January 2004.

(3) Regulations 5, 6 and 8 shall come into operation on 30th June 2004.

Interpretation

2.—(1) Expressions used in these Regulations which are also used in Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations, as amended by European Parliament and Council Directive 2002/45/EC(**3**) and European Commission Directive 2003/02/EC(**4**), shall have the meaning they bear in that Directive.

(2) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(**1**) S.I.1992/1711
(**2**) 1972 c. 68
(**3**) O.J. No. L177, 6.7.2002, p. 21
(**4**) O.J. No. L4, 9.1.2003, p. 9
(**5**) 1954 c. 33 (N.I.)

Scope

3. These regulations do not apply to –

(a) the placing on the market or use of dangerous substances or preparations for research and development or analysis purposes;

(b) the carriage of dangerous substances or preparations by rail, road, inland waterway, sea or air;

(c) dangerous substances or preparations exported to a country which is not a Member State of the European Community, or to Norway, Iceland or Liechtenstein;

(d) dangerous substances or preparations in transit and subject to customs inspection, provided that they undergo no processing.

Prohibition on the placing on the market of short chain chlorinated paraffins

4. A person shall not place short chain chlorinated paraffins (alkanes, C_{10}–C_{13}) on the market for use as substances, or as constituents of other substances or preparations in concentrations higher than 1% either in metalworking or for fat liquoring of leather.

Restrictions on the marketing and use of arsenic compounds

5.—(1) Subject to regulation 6, arsenic compounds may not be used as substances or constituents of preparations intended for use –

(a) to prevent the fouling by micro-organisms, plants or animals of –

(i) the hulls of boats,

(ii) cages, floats, nets and any other appliances or equipment used for fish or shellfish farming,

(iii) any totally or partly submerged appliances or equipment;

(b) in the preservation of wood;

(c) in the treatment of industrial waters, irrespective of their use.

(2) Subject to regulation 6, wood treated with a substance or preparation containing an arsenic compound for the purpose of preserving the wood may not be placed on the market.

Permitted marketing and use of arsenic compounds

6.—(1) Subject to paragraphs (3) and (4), solutions of inorganic compounds of the copper, chromium, arsenic (CCA) type C may be used as substances or preparations in the preservation of wood in industrial installations using vacuum or pressure to impregnate wood.

(2) Subject to paragraph (3), wood treated with CCA solutions in industrial installations in accordance with paragraph (1) may be placed on the market but not before fixation of the preservative is completed.

(3) Wood treated with CCA solutions in industrial installations in accordance with paragraph (1) may be placed on the market for professional and industrial use provided that the structural integrity of the wood is required for human or livestock safety and skin contact by the general public during its service life is unlikely –

(a) as structural timber in public and agricultural buildings, office buildings, and industrial premises;

(b) in bridges and bridgework;

(c) as constructional timber in freshwater areas and brackish waters e.g. jetties and bridges;