STATUTORY RULES OF NORTHERN IRELAND

# 2003 No. 105

# EUROPEAN COMMUNITIES
# PUBLIC HEALTH

## The Marketing and Use of Dangerous Substances Regulations (Northern Ireland) 2003

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| *Made - - - -* | *27th February 2003* |
| *Coming into operation* | *10th April 2003* |

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, hereby makes the following Regulations:

### Citation and commencement

**1.** These Regulations may be cited as the Marketing and Use of Dangerous Substances Regulations (Northern Ireland) 2003 and shall come into operation on 10th April 2003.

### Interpretation

**2.**—(1) In these Regulations –

"CAS Number" means a number described in the CAS Registry Handbook, ISSN 0093-058X, published in instalments from 1965 to 1971 with supplements for 1972 to 1976, 1977 to 1981, 1982 to 1986, 1987 to 1991, 1992 to 1996, and single year supplements from 1997 to 2002 by the Chemical Abstracts Service, American Chemical Society, Columbus, Ohio, USA;

"the Department" means the Department of the Environment;

"the Directive" means Council Directive 76/769/EEC(**3**) as amended by Council Directive 91/173/EEC(**4**) and Commission Directive 99/51/EC(**5**);

"HCDD" means all the isomers of hexachlorodibenzoparadioxin;

(**1**) S.I.1992/1711
(**2**) 1972 c. 68
(**3**) O.J. No. L262, 27.9.76, p. 201
(**4**) O.J. No. L85, 5.4.91, p. 34
(**5**) O.J. No. L142, 5.6.99, p. 22

"industrial installation" means an industrial installation not emitting or discharging PCP in quantities greater than those prescribed by existing legislation;

"PCP" means pentachlorophenol CAS Number 87-86-5 and its salts and esters; and

"preparations" and "substances" have the meanings assigned by Article 1.3 of Council Directive 76/769/EEC.

(2) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

**Exceptions**

**3.** Regulations 4 to 6 shall not apply to –

(a) the carriage of PCP or any substances or preparations containing PCP, by rail, road, inland waterway, sea or air, or

(b) the export of PCP or any substances or preparations containing PCP, to a destination in the territory of a state which is not a Member State, or

(c) the holding of PCP or any substances or preparations containing PCP, in transit, provided that during that time the said PCP, substances or preparations undergo no processing and are available for examination by customs officers of the United Kingdom, or

(d) the placing on the market of PCP, or any substances or preparations containing PCP, approved for sale or supply in accordance with the Directive under regulation 5(1) of the Control of Pesticides Regulations (Northern Ireland) 1987(**7**), or

(e) the use of PCP, or any substances or preparations containing PCP, approved for use in accordance with the Directive under regulation 5(1) of the Control of Pesticides Regulations (Northern Ireland) 1987.

**Placing PCP on the market**

**4.**—(1) Subject to paragraph (2), a person shall not place on the market, other than for research and development or analysis purposes, any substance containing PCP, in a concentration equal to or greater than 0.1 per cent by mass.

(2) Until 31st December 2008, paragraph (1) shall not apply to the placing on the market of PCP, either alone or as a component of preparations, which has a total HCDD content below 2 parts per million and which –

(a) is intended solely for use in industrial installations –

(i) for the treatment of wood, or

(ii) for the impregnation of fibres and heavy duty textiles not intended for clothing or for decorative furnishings;

(b) is placed on the market in packages of 20 litres or more marked clearly and indelibly with the words "Reserved for industrial and professional use";

(c) is not for sale to the general public; and

(d) is not waste to which Council Directive 75/442/EEC(**8**) or Council Directive 91/689/EEC(**9**) applies.

(**6**) 1954 c. 33 (N.I.)
(**7**) S.R. 1987 No. 414 as amended by S.R. 1997 No. 469
(**8**) O.J. No. L194, 25.7. 1975, p. 39 as amended by O.J. No. L78, 26.3.1991, p. 32
(**9**) O.J. No. L377, 31.12.1991, p. 20