STATUTORY RULES OF NORTHERN IRELAND

1996 No. 376

HEALTH AND SAFETY

Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations (Northern Ireland) 1996

Made - - - -	*12th August 1996*
Coming into operation	*9th September 1996*

The Department of Economic Development, being a Department designated by the European Communities (Designation) Order 1976(**1**) and the European Communities (Designation) (No. 3) Order 1993(**2**) for the purposes of section 2(2) of the European Communities Act 1972(**3**) in relation to the regulation and control of classification, packaging and labelling of dangerous substances and preparations, and for measures relating to consumer protection, in exercise of the powers conferred on it by the said section 2(2) and being the Department concerned(**4**) in exercise of the powers conferred by Articles 17(1) to (6) and 55(2) of, and paragraphs 1(1), (4) and (5), 2, 14 and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**5**) and of every other power enabling it in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to it to be appropriate, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations (Northern Ireland) 1996 and shall come into operation on 9th September 1996.

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

(**1**) S.I.1976/897
(**2**) S.I. 1993/2661
(**3**) 1972 c. 68; the definition of the Treaties referred to in section 2(2) was extended by section 1 of the European Economic Area Act 1993 (c. 51)
(**4**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**5**) S.I. 1978/1039 (N.I. 9)
(**6**) 1954 c. 33 (N.I.)

Amendment of the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995

2. The Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995(**7**) shall be amended as provided by regulations 3 to 8.

Interpretation

3. In regulation 2(1)—

(a) in sub-paragraph (*c*) of the definition of "EEC number" for "(EINECS)" there shall be substituted "(ELINCS)" and

(b) after the definition of "pesticide" there shall be inserted the following definitions—

' "petrol" has the same meaning as in regulation 2(1) of the Motor Fuel (Lead Content of Petrol) Regulations 1981(**8**);

"plant protection product" has the same meaning as in regulation 2(1) of the Plant Protection Products Regulations (Northern Ireland) 1995(**9**);'.

Application

4.—(1) In regulation 3(1)—

(a) at the end of sub-paragraph (*p*) for the full stop there shall be substituted "; or"; and

(b) after sub-paragraph (*p*) there shall be added the following sub-paragraph—

"(q) a plant protection product, which has been approved under the Plant Protection Products Regulations (Northern Ireland) 1995.".

(2) After regulation 3(4) there shall be inserted the following paragraph—

"(4A) Notwithstanding sub-paragraphs (*a*), (*b*), (*e*), (*f*), (*j*), (*o*) and (*p*) of paragraph (1), paragraphs (3A) and (3B) of regulation 9 shall apply to the substances and preparations referred to in those paragraphs whether or not they are substances or preparations dangerous for supply.".

Meaning of the approved supply list

5. In regulation 4—

(a) for the words "(2nd Edition)" there shall be substituted "(3rd Edition)";

(b) at the end of sub-paragraph (*f*) for the full stop there shall be substituted "; and"; and

(c) after sub-paragraph (*f*) there shall be added the following sub-paragraph—

"(g) in Part VII, the descriptions specified in the European Inventory of Existing Commercial Chemical Substances for complex coal, oil and gas derived substances,".

Labelling of substances and preparations dangerous for supply

6. In regulation 9—

(a) for paragraph (2)(*c*)(iv) there shall be substituted—

(**7**) S.R. 1995 No. 60
(**8**) S.I. 1981/1523 as amended by S.I. 1985/1728 and S.I. 1989/547
(**9**) S.R. 1995 No. 371

"(iv) the EEC number (if any) and in the case of a substance dangerous for supply which is listed in Part I of the approved supply list, either the words "EC label" or "EEC label"; and";

(b) after paragraph (2)(*c*) there shall be added the following sub-paragraph—

"(d) where required by paragraph (3A) or (3B), the labelling phrase specified therein.";

(c) for the full stop at the end of paragraph (3)(*d*) there shall be substituted "; and";

(d) after paragraph (3)(*d*), there shall be added the following paragraph—

"(e) where required by paragraph (3A) or (3B), the labelling phrase specified therein."; and

(e) after paragraph (3) there shall be inserted the following paragraphs—

"(3A) Subject to paragraph (3C), and without prejudice to any other requirements in these Regulations, in respect of a substance specified in Part IIIA of Schedule 6 or a preparation containing such a substance, either of which is required to be classified and labelled in accordance with these Regulations (or would be so required, but for any of the exceptions contained in sub-paragraphs (*a*), (*b*), (*e*), (*f), (j*), (*o*) and (*p*) of paragraph (1) of regulation 3,) as—

(a) Carcinogenic of category 1 or 2;

(b) Mutagenic of category 1 or 2; or

(c) Toxic for reproduction of category 1 or 2,

the labelling phrase "Restricted to professional users" shall be included in the particulars specified in paragraph (2) or (3), as the case may be.

(3B) Without prejudice to any other requirements in these Regulations, in respect of—

(a) a substance specified in Part IIIB of Schedule 6; or

(b) a preparation containing such a substance in a concentration by weight of 0.1% or more,

which is dangerous for supply, the labelling phrase "Restricted to professional users" shall be included in the particulars specified in paragraph (2) or (3), as the case may be, and where such a substance or preparation is not dangerous for supply the said phrase shall be clearly shown in accordance with the requirements of regulation 11 as if it were dangerous for supply.

(3C) Notwithstanding regulation 3(4A), paragraph (3A) shall not apply to—

(a) petrol which complies with regulation 4(1) of the Motor Fuel (Lead Content of Petrol) Regulations 1981;

(b) mineral oil products intended for use as fuel in mobile or fixed combustion plants;

(c) fuels sold in closed systems; and

(d) artists' paints.".

Enforcement, civil liability and defence

7. In regulation 17 for paragraph (1) there shall be substituted the following paragraph—

"**17.**—(1) Subject to paragraphs (2) and (3)—

(a) the provisions of the Health and Safety at Work (Northern Ireland) Order 1978 which relate to the approval of codes of practice and their use in criminal proceedings, to enforcement and to offences(**10**); and

(b) Article 43(2) of that Order,

shall apply to the provisions of regulations 5 to 11 and 13 to 15 as if those provisions had been made under Article 17 of that Order whether or not the provisions of that Order would apply but for this paragraph.".

Particulars to be shown on labels for substances and preparations

8. In Schedule 6 after Part II there shall be added the Part set out in the Schedule.

Sealed with the Official Seal of the Department of Economic Development on 12th August 1996.

Philip B. Strong
Assistant Secretary

(**10**) *See* Articles 18, 19, 20 to 28 and 31 to 39 of S.I. 1978/1039 (N.I. 9)

SCHEDULE Regulation 8

Substances requiring additional labelling phrase.

"Part III

Substances Requiring Additional Labelling Phrase

A

Category 1 and 2 Carcinogenic, Mutagenic and Toxic for Reproduction substances requiring additional labelling phrase "Restricted to professional users"

The substances referred to in regulation 9(3A) are specified in the Table below—

Substance	CAS Number
Carcinogenic substances of Category 1	
2-naphthylamine; β-naphthylamine	91-59-8
biphenyl-4-ylamine; xenylamine; 4-aminobiphenyl	92-67-1
benzidine; 4,4'-diaminobiphenyl; biphenyl-4.4'-ylenediamine	92-87-5
chromium trioxide	1333-82-0
arsenic acid and its salts	—
arsenic pentoxide; arsenic oxide	1303-28-2
diarsenic trioxide; arsenic trioxide	1327-52-3
asbestos	132207-33-1
	132207-32-0
	12172-73-5
	77536-66-4
	77536-68-6
	77536-67-5
benzene	71-43-2
bis (chloromethyl) ether	542-88-1
chloromethyl methyl ether, chlorodimethyl ether	107-30-2
dinickel trioxide	1314-06-3
erionite	12510-42-8
nickel dioxide	12035-36-8
nickel monoxide	1313-99-1
nickel subsulphide	12035-72-2