1995 No. 60

HEALTH AND SAFETY

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

Made	*2nd March 1995*
Coming into operation . .	*31st March 1995*

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The Department of Economic Development, being a Department designated by the European Communities (Designation) Order 1976(**a**) and the European Communities (Designation) (No. 3) Order 1993(**b**) for the purposes of section 2(2) of the European Communities Act 1972(**c**) 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(**d**) in exercise of the powers conferred by Articles 17(1) to (6), 54(1) and (4) and 55(2) of, and paragraphs 1(1), (4) and (5), and 2, 14 and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**e**) and of every other power enabling it in that behalf, after consultation in accordance with Articles 46(1) and 54(5) 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 and commencement

1. These Regulations may be cited as the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995 and shall come into operation on 31st March 1995.

Interpretation

2.—(1) In these Regulations—

"aerosol dispenser" means an article which consists of a non-reusable receptacle containing a gas compressed, liquefied or dissolved under pressure, with or without liquid, paste or powder and fitted with a

(**a**) S.I. 1976/897
(**b**) S.I. 1993/2661
(**c**) 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)
(**d**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**e**) S.I. 1978/1039 (N.I. 9)

release device allowing the contents to be ejected as solid or liquid particles in suspension in a gas, as a foam, paste or powder or in a liquid state;

"the Agreement" means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1992(**a**) and adopted as respects the United Kingdom by the European Economic Area Act 1993(**b**);

"approved classification and labelling guide" means the guide approved by the Department and published by the Health and Safety Commission entitled "Approved Guide to the Classification and Labelling of Substances and Preparations Dangerous for Supply (2nd Edition)";

"approved supply list" means the list described in regulation 4;

"category of danger" means, in relation to a substance or preparation dangerous for supply, one of the categories of danger specified in Column 1 of Part I of Schedule 1;

"classification" means, in relation to a substance or preparation dangerous for supply, classification in accordance with regulation 5;

"commercial sample" means, in relation to a substance or preparation dangerous for supply a sample of that substance or preparation provided to the recipient with a view to subsequent purchase;

"the Community" means the European Economic Community and other States in the European Economic Area;

"concentration limits" means, in relation to a substance dangerous for supply, the concentration limits for the substance (if any) specified in column 4 of Part V of the approved supply list, or where that substance is not listed in that list or appears therein without concentration limits being specified means the concentration limits for that substance ascertained from Part II of Schedule 3;

"the Department" means the Department of Economic Development;

"EEC number" means, in relation to a substance dangerous for supply in the case of—

(*a*) a substance that is included in the approved supply list, the number (if any) specified in column 3 of Part V of that list;

(*b*) a substance that is not included in the approved supply list or for which an EEC number is not given in Part V of that list, the number for that substance (if any) specified in the European Inventory of Existing Commercial Chemical Substances (EINECS)(**c**); or

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(**a**) The Agreement was amended by Decision 7/94 of the EEA Joint Committee of 21st March 1994 (O.J. No. L160, 28.6.94, p. 1). There are other amendments to the Agreement which are not relevant to these Regulations.

(**b**) 1993 c. 51

(**c**) O.J. No. C146A, 15.6.90, p. 1

(*c*) a substance that is a new substance within the meaning of regulation 2(1) of the Notification of New Substances Regulations (Northern Ireland) 1994(**a**) the number for that substance (if any) listed in the European List of Notified Chemical Substances (EINECS)(**b**);

"the European Economic Area" means the Area referred to in the Agreement;

"flash point" means the flash point determined in accordance with Part III of Schedule 1;

"freight container" means a container within the meaning of regulation 2 of the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992(**c**);

"the Health and Safety Commission" means the Health and Safety Commission established under section 10 of the Health and Safety at Work etc. Act 1974(**d**);

"index number" means, in relation to a substance dangerous for supply which appears in Part I of the approved supply list, the number for that substance specified in column 2 of that Part;

"indication of danger" means, in relation to a substance or preparation dangerous for supply, one or more of the indications of danger referred to in Column 1 of Schedule 2 and in the case of—

(*a*) a substance dangerous for supply listed in Part I of the approved supply list, one or more indications of danger for that substance specified by a symbol-letter in column 3 of Part V of that list; or

(*b*) a substance dangerous for supply not listed in Part I of the approved supply list or a preparation dangerous for supply, one or more indications of danger determined in accordance with the classification of that substance or preparation under regulation 5 and the approved classification and labelling guide;

"member State" means a State which is a Contracting Party to the Agreement, but until the Agreement comes into force in relation to Liechtenstein does not include the State of Liechtenstein;

"package" means, in relation to a substance or preparation dangerous for supply, the package in which the substance or preparation is supplied and which is liable to be individually handled during the course of the supply and includes the receptacle containing the substance or preparation and any other packaging associated with it and any pallet or other device which enables more than one receptacle containing a substance or preparation dangerous for supply to be handled as a unit, but does not include—

(*a*) a freight container (other than a tank container), a skip, a vehicle or other article of transport equipment; or

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(**a**) S.R. 1994 No. 6
(**b**) Current edition (4th) O.J. No. C361, 17.12.94, p. 1
(**c**) S.R. 1992 No. 2
(**d**) 1974 c. 37

(*b*) in the case of supply by way of retail sale, any wrapping such as a paper or plastic bag into which the package is placed when it is presented to the purchaser;

"packaging" means, in relation to a substance or preparation dangerous for supply, the receptacle, or any components, materials or wrappings associated with the receptacle for the purpose of enabling it to perform its containment function or both;

"pesticide" shall be construed in accordance with paragraph 1 of Schedule 4;

"poisons advisory centre" means a body approved for the time being for the purposes of regulation 15 by the Department of Health and Social Services for Northern Ireland in consultation with the Department, the Health and Safety Agency for Northern Ireland and such other persons or bodies as appear to it to be appropriate;

"preparation" means a mixture or solution of two or more substances;

"preparation dangerous for supply" means a preparation which is in one or more of the categories of danger specified in Column 1 of Part I of Schedule 1;

"property" means, in relation to a substance or preparation dangerous for supply, a property described in Column 2 of Part I of Schedule 1 and further described in the approved classification and labelling guide;

"receptacle" means, in relation to a substance or preparation dangerous for supply, a vessel, or the innermost layer of packaging, which is in contact with that substance or preparation and which is liable to be individually handled when that substance or preparation is used and includes any closure or fastener;

"risk phrase" means, in relation to a substance or preparation dangerous for supply, a phrase listed in Part III of the approved supply list and in these Regulations a specific risk phrase may be designated by the letter "R" followed by a distinguishing number or combination of numbers notwithstanding that the risk phrase shall be quoted in full on any label or safety data sheet on which the risk phrase is required to be shown;

"safety phrase" means, in relation to a substance or preparation dangerous for supply, a phrase listed in Part IV of the approved supply list and in these Regulations a specific safety phrase may be designated by the letter "S" followed by a distinguishing number or combination of numbers notwithstanding that the safety phrase shall be quoted in full on any label or safety data sheet in which the safety phrase is required to be shown;

"substance" means a chemical element and its compounds in the natural state or obtained by any production process, including any additive necessary to preserve the stability of the product and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition;

"substance dangerous for supply" means—