STATUTORY RULES OF NORTHERN IRELAND

1993 No. 412

HEALTH AND SAFETY

Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993

Made - - - -	*11th October 1993*
Coming into operation	*1st December 1993*

The Department of Economic Development, being a Department designated by the European Communities (Designation) Order 1976(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the regulation and control of classification, packaging and labelling of dangerous substances and preparations, in exercise of the powers conferred on it by the said section 2(2) and being the Department concerned(**3**) 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(**4**) 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) Regulations (Northern Ireland) 1993 and shall come into operation on 1st Decemeber 1993.

Interpretation

2.—(1) In these Regulations—

"ADR" means the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957(**5**), as revised or re-issued from time to time;

"approved carriage list" means the list described in regulation 4(2);

(**1**) S.I. 1976/897
(**2**) 1972 c. 68
(**3**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**4**) S.I. 1978/1039 (N.I. 9)
(**5**) Cmnd. 734

"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";

"approved supply list" means the list described in regulation 4(1);

"carriage" means carriage by road on a vehicle and shall be construed in accordance with paragraph (2);

"category of danger" means in relation to—

(a) a substance or preparation dangerous for supply, one of the categories of danger specified in Column 1 of Part I of Schedule 1; or

(b) a substance dangerous for carriage, one of the classifications and categories of danger specified in Column 2 of Part I of Schedule 3;

"characteristic properties" in relation to a substance dangerous for carriage, means a property specified in Column 1 of Part I of Schedule 3;

"classification" shall be construed in the case of—

(a) a substance or preparation dangerous for supply, as classification in accordance with regulation 5; or

(b) a substance dangerous for carriage, as classification in accordance with regulation 7;

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

"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 determined in accordance with Part II of Schedule 4;

"consignor" means a person who consigns for carriage (whether as principal or as agent for another) a substance dangerous for carriage;

"the Department" means the Department of Economic Development;

"EEC number" in relation to a substance dangerous for supply means 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)(**6**); or

(c) a substance that is a new substance within the meaning of regulation 2(1) of the Notification of New Substances Regulations (Northern Ireland) 1985(**7**) but which is not listed in the said European Inventory of Existing Commercial Chemical Substances (EINECS), the number for that substance (if any) listed in the European List of Notified Chemical Substances (ELINCS)(**8**);

"the enforcing authority" shall be construed in accordance with regulation 19(2);

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

(**6**) O.J. No. C146A 15.6.90. p. 1
(**7**) S.R. 1985 No. 63, amended by S.R. 1986 No. 188 and S.R. 1991 No. 472
(**8**) O.J. No. C130, 10.5.93, p. 1

"freight container" means a container within the meaning of regulation 2 of the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992(**9**);

"hazard warning sign" in relation to a substance dangerous for carriage means the sign shown in Column 3 of Part I of Schedule 3 for the classification shown in the corresponding entry in Column 2 of that Part and which sign is further specified in Part II of that Schedule;

"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(**10**);

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

"indication of danger" in relation to a substance or preparation dangerous for supply, means 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 country (other than the United Kingdom) which is a member of the European Communities;

"package" in relation to a substance or preparation dangerous for supply-or carriage means the package in which a substance or preparation dangerous for supply is supplied, or in which a substance dangerous for carriage is carried and which is liable to be individually handled during the course of the supply or carriage, as the case may be, 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 or carriage 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

(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" in relation to a substance or preparation dangerous for supply or carriage means 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 5;

"petroleum-spirit" has the same meaning as in section 23(1) of the Petroleum (Consolidation) Act (Northern Ireland), 1929(**11**);

"poisons advisory centre" means a body approved for the time being for the purposes of regulation 17 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 bodies as appear to it to be appropriate;

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

(**9**) S.R. 1992 No. 2
(**10**) 1974 c. 37
(**11**) 1929 c. 13 (N.I.) as amended by S.R. 1992 No. 413

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

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

"receptacle" in relation to a substance or preparation dangerous for supply or carriage means 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;

"road" means a road within the meaning of Article 2(2) of the Road Traffic (Northern Ireland) Order 1981(**12**);

"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 carriage" means—

(a) a substance listed in Part 1 of the approved carriage list;

(b) a substance which, while not listed in Part 1 of the approved carriage list, is in one of the groups of substances described in Part 2 of that list;

(c) any other substance (including any preparation) which has one or more of the characteristic properties; or

(d) any article specified in Part 3 of that list;

"substance dangerous for supply" means—

(a) a substance listed in Part I of the approved supply list; or

(b) any other substance which is in one or more of the categories of danger specified in Column 1 of Part 1 of Schedule 1;

"substance identification number" means in the case of—

(a) a substance dangerous for carriage which is specified in Part 1 of the approved carriage list in Column 1, the substance identification number specified in the appropriate entry in Column 2 of that Part;

(b) a substance which, although not specified as dangerous for carriage in Part 1 of the approved carriage list, is in one of the groups of substances dangerous for carriage described in Part 2 of that list in Column I, the substance identification number specified in the appropriate entry in Column 2 of that Part; or

(**12**) S.I. 1981/154 (N.I. 1) to which there are amendments not relevant to these Regulations

(c) an article specified in Part 3 of the approved carriage list in Column 1, the substance identification number specified in the appropriate entry in Column 2 of that Part;

"supplier" means a person who supplies a substance or preparation dangerous for supply, and in the case of a substance which is imported (whether or not from a member State) includes the importer established in Northern Ireland of that substance or preparation;

"supply" in relation to a substance or preparation dangerous for supply—

(a) means, subject to sub-paragraph (b), supply of that substance or preparation in the course of or for use at work, by way of—

(i) sale or offer for sale, lease, hire or hire purchase,

(ii) commercial sample, or

(iii) transfer from a factory, warehouse or other place of work and its curtilage to another place of work,

whether or not in the same ownership,

(b) whether as principal or agent for another; or for the purposes of sub-paragraphs (a) and (b) of regulation 19(2), in any case for which by virtue of those sub-paragraphs the enforcing authority for these Regulations is the Department of Health and Social Services or the district council, has the meaning assigned to it by Article 3 of the Consumer Protection (Northern Ireland) Order 1987(**13**) and also includes offer to supply and expose for supply;

"symbol" means the symbol shown in Column 3 of Schedule 2 for the indication of danger shown in Column 1 of that Schedule;

"symbol-letter" means the letter shown in the corresponding entry in Column 2 of Schedule 2; and

"the transport rules" shall be construed in accordance with regulation 12(1).

(2) For the purposes of these Regulations, a substance which is dangerous for carriage shall be deemed to be carried from the time when it is placed on a vehicle for the purpose of carrying it on a road until either—

(a) it is removed from the vehicle; or

(b) any receptacle containing the substance which is on the vehicle has been cleaned or purged so that any of the substance or its vapour which remains in the receptacle is not sufficient to cause a risk to the health or safety of any person,

and in either case, whether or not the vehicle is on a road at the material time.

(3) In these Regulations any reference to a quantity of a substance or preparation dangerous for supply or carriage expressed in litres, shall be construed as a reference—

(a) in the case of a liquid, to the volume in litres of that liquid;

(b) in the case of a gas, to the volume in litres of the receptacle containing that gas; and

(c) in the case of a solid, to the same number of kilograms of that solid,

and for the purpose of aggregation, one litre of a liquid or gas shall be deemed to be equivalent to one kilogram of a solid.

(4) Subject to regulations 1.5, 20 and 22, these Regulations are without prejudice to any other requirement imposed by or under any statutory provision which relates to a substance or preparation dangerous for supply or carriage.

(**13**) S.I. 1987/2049 (N.I. 20)