1990 No. 120

HEALTH AND SAFETY

Classification, Packaging and Labelling of Dangerous Substances (Amendment) Regulations (Northern Ireland) 1990

Made	*21st March 1990*
Coming into operation . .	*30th April 1990*

The Department of Agriculture, the Department of Economic Development, the Department of the Environment and the Department of Health and Social Services being departments designated by the European Communities (Designation) Order 1976(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the regulation and control of classification, packaging and labelling of dangerous substances and preparations, acting jointly in exercise of the powers conferred on them by the said section 2(2) and acting jointly as the Department concerned(**c**) in exercise of the powers conferred by Articles 17(1), (4) and (6) and 55(2) of the Health and Safety at Work (Northern Ireland) Order 1978(**d**) and of every other power enabling them 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 them to be appropriate, hereby make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Classification, Packaging and Labelling of Dangerous Substances (Amendment) Regulations (Northern Ireland) 1990 and shall come into operation on 30th April 1990.

Interpretation

2.—(1) In these Regulations—

"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(**e**);

"the principal Regulations" means the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985(**f**).

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

(a) S.I. 1976/897.
(b) 1972 c. 68.
(c) See Article 2(2) of S.I. 1978/1039 (N.I. 9).
(d) S.I. 1978/1039 (N.I. 9).
(e) 1974 c. 37.
(f) S.R. 1985 No. 81, amended by S.R. 1988 No. 288 and S.R. 1989 No. 182.
(g) 1954 c. 33 (N.I.).

Amendment to the principal Regulations

3.—(1) In regulation 4 of the principal Regulations after 'entitled ''Information Approved for the Classification, Packaging and Labelling of Dangerous Substances (2nd Edition)'' ' insert 'as revised by the document approved by the Health and Safety Commission on 25th April 1989 and approved by the Department on 2nd January 1990 entitled ''Revision No. 1 to the Second Edition of the CPL Approved List (Information Approved for the Classification, Packaging and Labelling of Dangerous Substances)'' '.

(2) Regulation 4 of the principal Regulations as it will have effect after the coming into operation of this regulation is set out in the Schedule.

Transitional provision

4.—(1) Subject to paragraphs (2) and (3), where the Department has approved a revision to the approved list to which this paragraph relates, that revision shall not come into effect for the purposes of the principal Regulations until 30th October 1990 but until that date a supplier or consignor may classify and label a substance to which the revision relates in accordance with that revision.

(2) Paragraph (1) shall relate to the revisions to the approved list introduced by the document approved by the Health and Safety Commission on 25th April 1989 and approved by the Department on 2nd January 1990 and entitled ''Revision No. 1 to the Second Edition of the CPL Approved List (Information Approved for the Classification, Packaging and Labelling of Dangerous Substances)''.

(3) In any proceedings for an offence under the principal Regulations consisting of supplying or conveying by road before 30th April 1991 a dangerous substance in a receptacle or package, with a capacity of 25 litres or less, which does not comply with the requirements of those Regulations, it shall be a defence for the person charged to prove—

(*a*) that if the substance had been supplied or, as the case may be, had been conveyed by road before 30th October 1990 no offence would have been committed;

(*b*) that the substance was packaged and labelled before 30th October 1990 and had not been removed from the receptacle or the package, as the case may be, after that date; and

(*c*) that it was not reasonably practicable either—

(i) to relabel or repackage the substance before it was supplied, or conveyed by road, or

(ii) to supply it or convey it by road on a date earlier than it was in fact supplied or conveyed by road.

Revocations

5. Regulation 15 of, and the Schedule to, the Classification, Packaging and Labelling of Dangerous Substances (Amendment) Regulations (Northern Ireland) 1989(**a**) are hereby revoked.

(a) S.R. 1989 No. 182.