1989 No. 182

HEALTH AND SAFETY

Classification, Packaging and Labelling of Dangerous Substances (Amendment) Regulations (Northern Ireland) 1989

Made	*17th May 1989*
Coming into operation . .	*3rd July 1989*

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.—(1) These Regulations may be cited as the Classification, Packaging and Labelling of Dangerous Substances (Amendment) Regulations (Northern Ireland) 1989 and shall come into operation on 3rd July 1989.

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) to which there are amendments not relevant to these Regulations
(**e**) 1974 c. 37
(**f**) S.R. 1985 No. 81, amended by S.R. 1988 No. 288
(**g**) 1954 c. 33 (N.I.)

Amendments to the principal Regulations

3. The principal Regulations shall be amended as provided in regulations 4 to 14.

4. In regulation 3(1)(*f*) for "regulation 2(1) of the Cosmetic Products Regulations (Northern Ireland) 1978" there shall be substituted "regulation 4(1) of the Cosmetic Products (Safety) Regulations 1984 (S.I. 1984 No. 1260)".

5. In regulation 3(2)(*d*) for "approved for safety under the Pesticides Safety Precautions Scheme" there shall be substituted "approved under the Food and Environment Protection Act 1985 (c. 48)".

6. In regulation 3(3)(*c*) after "Annex A" there shall be inserted "or Annex B or both".

7. In regulation 4—

(*a*) for the words from "the list published" to "in packages etc." there shall be substituted 'the list published by the Health and Safety Commission on 22nd April 1988 and approved by the Department on 15th May 1989 entitled "Information Approved for the Classification, Packaging and Labelling of Dangerous Substances (2nd Edition)" ';

(*b*) in sub-paragraphs (*a*)(ii) and (*b*) for "packaging group number and a subsidiary risk" there shall be substituted "packing group number and an indication of subsidiary risk";

(*c*) in sub-paragraph (*g*) after the semi-colon there shall be deleted "and";

(*d*) in sub-paragraph (*h*) for the comma there shall be substituted "; and";

(*e*) after sub-paragraph (*h*) there shall be inserted—

"(*i*) in Part VII a list of the changes made to the previous edition of the approved list (as revised),".

8. In regulation 8(3) there shall be deleted the comma after "given" and the words from "but this shall" to the end of the paragraph.

9. In regulation 8(9) for "approved for safety under the Pesticides Safety Precautions Scheme" there shall be substituted "approved under the Food and Environment Protection Act 1985 (c. 48)".

10. In regulation 16, paragraphs (1) and (2) are hereby revoked.

11. In Schedule 1, Part IV, sub-paragraph (*b*)(i) of paragraph 6 is hereby revoked.

12. In Schedule 2, Part II, after paragraph 1 there shall be inserted—

"1A. The words shown within the hazard warning sign may be omitted but in such a case those words shall be shown on the package or label adjacent to the sign.".

13. In Schedule 2, Part III, paragraph 4(*e*)—

(*a*) for ''ISO 2431-1980'' there shall be substituted ''ISO 2431-1984''; and

(*b*) for ''BS 3900: Part A6-1983'' there shall be substituted ''BS 3900: Part A6-1986''.

14. In Schedule 6—

(*a*) in Part I, paragraph 2(1)(*b*) there shall be substituted ''internationally recognised name'' for ''accepted common name'';

(*b*) in Part II, paragraph 11—

(i) for ''0.5 per cent'' there shall be substituted ''0·25 per cent''; and

(ii) after ''preparation'' there shall be inserted ''as determined in accordance with the International Standards Organisation Standard ISO 6503-1984'';

(*c*) after paragraph 22, Part III there shall be inserted—

'*Special provisions relating to risk phrases*

23. Where a substance is specified as a carcinogen, mutagen or teratogen by the use of the risk phrase R45, R46 or R47 respectively in Part IA of the approved list and following the name of the substance reference is made to this paragraph by the note ''(see Schedule 6.23)'', those risk phrases, or any of them, shall precede any risk phrase numbered 20 to 28 or any combination of those phrases and in such a case the risk phrases numbered 20 to 28 or combinations of them shall be preceded by the word ''also''.'.

15. Regulation 4 of the principal Regulations as it will have effect after the coming into operation of regulation 3 is set out in the Schedule.

Transitional provision

16.—(1) Subject to the following paragraphs, 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 3rd January 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 Department on 15th May 1989 entitled ''Information Approved for the Classification, Packaging and Labelling of Dangerous Substances (2nd Edition)'' and there set out in Part VII.

(3) Until 3rd July 1990 in any proceedings for an offence under the principal Regulations consisting of supplying or conveying by road 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 3rd July 1989 no offence would have been committed;