1988 No. 288

HEALTH AND SAFETY

Classification, Packaging and Labelling of Dangerous Substances (Amendment) Regulations (Northern Ireland) 1988

Made . . . . . 9th August 1988

Coming into operation . . 12th September 1988

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, commencement and interpretation

1.—(1) These Regulations may be cited as the Classification, Packaging and Labelling of Dangerous Substances (Amendment) Regulations (Northern Ireland) 1988 and shall come into operation on 12th September 1988.

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

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

Amendments to the principal Regulations

2. The principal Regulations shall be amended as provided in regulations 3 to 5.

(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) S.R. 1985 No. 81
(f) 1954 c. 33 (N.I.)

3. In regulation 4—

(*a*) after 'entitled ''Information Approved for the Classification, Packaging and Labelling of Dangerous Substances'' ' there shall be inserted 'as revised by the document published by the Department on 10th April 1986 entitled ''Revision No. 1 to the Approved List (Information Approved for the Classification, Packaging and Labelling of Dangerous Substances) incorporating information approved for the conveyance by road of dangerous substances in packages etc.'' ';

(*b*) in sub-paragraphs (*a*)(ii) and (*b*) for the semi-colon in each case there shall be substituted ''and in certain cases a packaging group number and a subsidiary risk;'';

(*c*) in sub-paragraph (*f*) after the semi-colon at the end there shall be deleted ''and'';

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

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

''(*h*) in Part VI a list of substances dangerous for supply for which the Department has approved a conventional LD50 value for the purpose of Schedule 3 (classification of pesticides),''.

4. In regulation 9(2)(*c*) after ''the nature of the dangers to which the substance may give rise'' there shall be inserted ''(including any subsidiary risk that is specified in column 8 of Part IA or B of the approved list for that substance)''.

5. In Schedule 3, at the end of paragraph 2(3)(*c*) for the full stop there shall be substituted ''and in this sub-paragraph where the active ingredient is listed in column 1 of Part VI of the approved list, its toxicity shall be taken as the conventional LD50 value given in the corresponding entry in column 2 of that Part.''.

Transitional provision

6.—(1) Subject to regulation 16 of the principal Regulations and paragraph (2), where the Department of Economic Development has approved a revision to the approved list, that revision shall not come into effect for the purposes of those Regulations until 12th March 1989 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) Until 11th September 1989 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 had been conveyed by road before 12th September 1988 no offence would have been committed;

(*b*) that the substance was packaged and labelled before 12th September 1988 and had not been removed from the receptacle or the package after that date; and