1985 No. 81

HEALTH AND SAFETY

Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985

Made . . . . . *11th April 1985*

Coming into operation . . . . *1st July 1985*

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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

(**a**) S.I. 1976/897 (**b**) 1972 c. 68

relation to the regulation and control of classification, packaging and labelling of dangerous substances and preparations, acting jointly in exercise of the power conferred on them by the said section 2 and acting jointly as the Department concerned(**a**) in exercise of the powers conferred by Articles 17(1), (2), (3), (4), (5) and (6), 54(1) and (5) and 55(2) of, and paragraphs 1(1), (3), (4) and (5) and 2 of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(**b**) ("the Order of 1978") and of every other power enabling them in that behalf, after consultation 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 Regulations (Northern Ireland) 1985 and shall come into operation on 1st July 1985.

Interpretation

2.—(1) In these Regulations—

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

"characteristic properties" means—

(*a*) in relation to a substance which is dangerous for supply, properties which are specified in column 1 of Part I of Schedule 1;

(*b*) in relation to a substance which is dangerous for conveyance, properties which are specified in column 1 of Part I of Schedule 2;

"classification" shall be construed—

(*a*) in the case of a substance which is dangerous for supply, as classification in accordance with regulation 5; or

(*b*) in the case of a substance which is dangerous for conveyance, as classification in accordance with regulation 6;

"consignor" means a person who consigns for conveyance by road (whether as principal or agent for another) a substance which is dangerous for conveyance;

"conveyance by road" shall be construed in accordance with paragraph (2);

"dangerous substance" means any substance (whether or not a substance which is a preparation or other mixture) which—

(*a*) is a substance listed in column 1 of Part IA of the approved list for which one or more indications of general nature of risk are given in the corresponding entry in column 2 of that Part, or any other substance not so listed which, by reason of its characteristic properties, being properties specified in column 1 of Part I of Schedule 1, creates a risk to the health or safety of any person when handled or used in the form in which it is supplied; or

(*b*) is a substance listed in column 1 of Part IA of the approved list for which a substance identification number is given in the corresponding entry in column 5 of that Part, or any other substance not so listed which, by reason of its characteristic properties, being properties specified in column 1 of Part I of Schedule 2, creates a risk to the health or safety of any person during the course of its conveyance by road,

and substances within the meaning of sub-paragraphs (*a*) and (*b*) shall be referred to respectively as "dangerous for supply" and "dangerous for conveyance";

(**a**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**b**) S.I. 1978/1039 (N.I. 9)

"the Department" means the Department of Economic Development;

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

"hazard warning sign" means the sign shown in column 3 of Part I of Schedule 2 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;

"indication of general nature of risk" means in relation to a substance dangerous for supply—

(*a*) where the substance is specified in Part IA of the approved list as dangerous for supply, the indication of general nature of risk for that substance specified in column 2 of that Part; or

(*b*) where the substance is not so specified, one or more of the indications of general nature of risk specified in column 2 of Part I of Schedule 1 corresponding to the characteristic properties of the substance specified opposite thereto in column 1 of that Part;

"package" in relation to a dangerous substance means the package in which a substance which is dangerous for supply is supplied, or in which a substance which is dangerous for conveyance is conveyed by road, and which is liable to be individually handled during the course of the supply or the conveyance by road, as the case may be, and includes the receptacle containing the substance and any other packagings associated with it and any pallet or other device which enables more than one receptacle containing a dangerous substance 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 bag into which the package is placed when it is presented to the purchaser;

"packagings" in relation to a dangerous substance means, as the context may require, 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 3;

"preparation" means a substance which is a mixture prepared by its manufacturer of two or more other substances;

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

"risk phrase" means in relation to labelling for a substance dangerous for supply, a phrase listed in Part IV of the approved list which is an indication of a particular nature of risk created by the substance which is so labelled;

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

"safety phrase" means in relation to labelling for a substance dangerous for supply, a phrase listed in Part V of the approved list which is an indication of safety precautions required when handling or using the substance which is so labelled;

"substance" means any natural or artificial substance whether in solid or liquid form or in the form of a gas or vapour;

(**a**) S.I. 1981/154 (N.I. 1)

"substance identification number" means—

(*a*) in the case of a substance dangerous for conveyance which is specified in Part IA of the approved list in column 1, the substance identification number specified in the appropriate entry in column 5;

(*b*) in the case of a substance which, although not specified as dangerous for conveyance in Part IA of the approved list, is in one of the groups of substances dangerous for conveyance described in Part IB of the approved list in column 1, the substance identification number specified in the appropriate entry in column 5;

(*c*) in the case of an article specified in Part IC of the approved list in column 1 and to which these Regulations relate, as they relate to substances dangerous for conveyance by virtue of regulation 3(5), the substance identification number specified in the appropriate entry in column 5;

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

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

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

(ii) commercial sample,

(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,

whether as principal or as agent for another; or

(*b*) for the purposes of sub-paragraphs (*a*) and (*b*) of regulation 15(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 section 9 of the Consumer Safety Act 1978(**a**) and also includes offer to supply and expose for supply;

"supplier" means a person who supplies a substance dangerous for supply and in the case of a substance which is imported includes the importer of that substance;

"symbol" means the symbol, if any, shown in column 3 of Part I of Schedule 1 for the indication of general nature of risk shown in the corresponding entry in column 2 of that Part.

(2) For the purposes of these Regulations, a substance which is dangerous for conveyance shall be deemed to be conveyed by road from the time when it is placed on a vehicle for the purpose of conveying 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) Where in these Regulations reference is made to a quantity of a dangerous substance expressed in litres, that reference shall mean—

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

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

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(**a**) 1978 c. 38 .

(*c*) in the case of a solid, the same number of kilograms by weight of that solid,

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

(4) Subject to regulation 16, nothing in these Regulations shall prejudice any other requirement imposed by or under any enactment which relates to the supply or conveyance by road of a dangerous substance.

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

Application of these Regulations

3.—(1) Subject to paragraphs (2) and (3), these Regulations shall apply in relation to the supply or the conveyance by road of any dangerous substance which is in a package except—

(*a*) a substance to which the Explosives Acts (Northern Ireland) 1875 to 1970(**b**) or the Explosives (Northern Ireland) Order 1972(**c**) applies;

(*b*) a substance which is a dangerous substance by reason only that it is a radioactive substance;

(*c*) a substance which is in a tank container having a capacity of more than 3 cubic metres;

(*d*) a substance which is intended for use as food within the meaning of section 70(1) of the Food and Drugs Act (Northern Ireland) 1958(**d**) except that the regulations shall apply to a substance which is intended for use as an additive within the meaning of the Food Labelling Regulations (Northern Ireland) 1984(**e**) unless that substance is intended to be supplied to the public;

(*e*) a substance which is intended for use as an animal feeding stuff within the meaning of section 66(1) of the Agriculture Act 1970(**f**);

(*f*) a substance which is a preparation and is intended for use as a cosmetic product within the meaning of regulation 2(1) of the Cosmetic Products Regulations (Northern Ireland) 1978(**g**) (including any aerosol containing a cosmetic product);

(*g*) a substance which is intended for use as—

(i) a medicinal product as defined in section 130 of the Medicines Act 1968(**h**), or

(ii) a substance specified in an order made under section 104 or 105 of the Medicines Act 1968 which is for the time being in force and which directs that specified provisions of that Act shall have effect in relation to that substance as such provisions have effect in relation to medicinal products within the meaning of that Act;

(*h*) a substance which is a controlled drug within the meaning of the Misuse of Drugs Act 1971(**i**), except that the Regulations shall apply to drugs which are excepted from section 4(1)(*b*) of that Act (which makes it unlawful to supply a controlled drug) by Regulations made under section 7(1)(*a*) of that Act;

(**a**) 1954 c. 33 (N.I.)
(**b**) 1875 c. 17; 1924 c. 5 (N.I.); 1970 c. 10 (N.I.)
(**c**) S.I. 1972/730 (N.I. 3)
(**d**) 1958 c. 27 (N.I.)
(**e**) S.R. 1984 No. 407
(**f**) 1970 c. 40
(**g**) S.R. 1978 No. 342
(**h**) 1968 c. 67 as amended by 1984 c. 40
(**i**) 1971 c. 38