1981 No. 283

HEALTH AND SAFETY

Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1981

Made . . . . . *20th August 1981*

Coming into operation : . . *1st January 1982*

ARRANGEMENT OF REGULATIONS

1. Citation and commencement
2. Interpretation
3. Substances to which these regulations apply
4. Packaging of prescribed dangerous substances
5. Particulars to be shown on containers of prescribed dangerous substances
6. Methods of marking or labelling containers
7. Enforcement
8. Labelling under these regulations to satisfy requirements of certain other existing statutory provisions

Schedule 1 — Prescribed dangerous substances
Schedule 2 — Indication of general nature of risk
Schedule 3 — Indication of particular risks
Schedule 4 — Indication of safety precautions required
Schedule 5 — Apparatus and methods for determining the flash point of petroleum distillates
Schedule 6 — Special provisions relating to certain substances included in Schedule 1

The Department of Agriculture, the Department of Commerce, the Department of the Environment, the Department of Health and Social Services and the Department of Manpower 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 power conferred on them by the said section 2 and acting jointly as the Department concerned(**c**) in exercise of the powers conferred by Articles 17(1), (2), (3)(*a*) and (*c*), (4)(*b*) and (6)(*b*) and (*d*) and 55(2) of, and paragraphs 1(1)(*b*) and (4) of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(**d**) ("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:—

(**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)

Citation and commencement

1. These regulations may be cited as the Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1981 and shall come into operation on 1st January 1982.

Interpretation

2.—(1) In these regulations—

"container" includes any receptacle, wrapper and other form of packaging;

"corrosive", "explosive", "harmful", "highly flammable", "irritant", "oxidizing" and "toxic" in relation to a substance, describe a substance required by regulation 5(1)(*c*) and Schedule 2 to have its container so marked;

"prescribed dangerous substance" means a substance specified in Schedule 1 (any flash points being determined in accordance with Schedule 5) whether or not—

(*a*) a stabiliser has been added to it; or

(*b*) it contains impurities which are normal to the manufacture or extraction of the substance;

but does not include preparations which include or contain such a substance; and any reference in these regulations to a concentration range in relation to a prescribed dangerous substance, is a reference to that substance in aqueous solution;

"shop" means a shop within the meaning of the Shops Act (Northern Ireland) 1946(**a**);

"supply" means—

(*a*) supply by way of sale, offer for sale, lease, hire or hire purchase;

(*b*) supply by way of commercial sample;

(*c*) transfer from a factory, warehouse or other establishment and its curtilage to another establishment, whether or not in the same ownership, for further processing or use in a process or in manufacture, whether as principal or as agent for another.

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

Substances to which these regulations apply

3. These regulations apply to the classification, packaging and labelling of prescribed dangerous substances, except—

(*a*) when the prescribed dangerous substance is supplied for use as—

(i) motor fuel

(ii) munitions, or

(iii) pesticide;

(*b*) when a prescribed dangerous substance is either—

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

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

(**a**) 1946 c. 7 (N.I.)
(**b**) 1954 c. 33 (N.I.)
(**c**) 1968 c. 67

(*c*) when a prescribed dangerous substance is being delivered—

(i) by means of a pipe, or

(ii) into a storage tank or storage vessel which is provided by the person to whom the substance is supplied;

(*d*) a gas which is compressed, liquefied or dissolved under pressure;

(*e*) when the substance is supplied for export;

(*f*) paraffin when supplied from a vending machine or bulk container into a container provided by the person to whom it is supplied;

(*g*) when a substance has been imported but is still under the control of HM Commissioners of Customs and Excise.

Packaging of dangerous substances

4. No prescribed dangerous substance shall be supplied to any person unless—

(*a*) it is in a container which is designed, constructed and secured so as to prevent any of the contents escaping when subjected to the stresses and strains of normal handling except that this sub-paragraph shall not prevent the fitting of a suitable safety device; and

(*b*) the container and the fastening of the container insofar as they are likely to come into contact with the substance are made of materials which are neither liable to be adversely affected by the contents nor liable in conjunction with the contents to form any other substance (whether prescribed or not) which is itself a risk to health or safety.

Particulars to be shown on containers of prescribed dangerous substances

5.—(1) Subject to paragraphs (2), (3), (4) and (6) no prescribed dangerous substance shall be supplied to any person unless it is in a container which clearly shows, in accordance with regulation 6 the following particulars:—

(*a*) the name of the substance, being one of the names by which it is described in Schedule 1;

(*b*) the name and address of the manufacturer, the importer, the wholesaler or the supplier of the substance;

(*c*) the word or words, if any, in the relevant entry in column 2 of Schedule 1 and the symbol or symbols, if any, in Schedule 2 relating to that word or those words;

(*d*) the indication of the particular risk or risks referred to in the relevant entry in column 3 of Schedule 1 and set out in Schedule 3; except that this sub-paragraph shall not apply to a container of 125 millilitres capacity or less where the substance it contains is not an explosive, toxic or corrosive substance;

(*e*) the indication of the safety precautions referred to in the relevant entry in column 4 of Schedule 1 and set out in Schedule 4; except that this sub-paragraph shall not apply to a container of 125 millilitres capacity or less.

(2) The words "highly flammable" need not be shown under sub-paragraph (*c*) of paragraph (1) if those words or the words "extremely flammable" are the only words required under sub-paragraph (*d*) of that paragraph.

(3) The provisions of paragraph (1) and Schedule 1 shall have effect subject to the provisions of Schedule 5 (which contains provisions for determining the flash point of petroleum distillates) and Schedule 6 (which contains special provisions for certain substances).

(4) Paragraph 1(*c*) and (*e*) shall not apply where the container is labelled in accordance with the transport rules mentioned in paragraph (7) and when it is so labelled it shall be a sufficient compliance with paragraph 1(*d*) if the word "inflammable" is used where but for this paragraph the word "flammable" would have been required.

(5) Without prejudice to paragraph (1), where a prescribed dangerous substance is in a container which is enclosed in one or more other containers, no person shall supply that substance to any person unless the outermost container either—

(*a*) shows, in accordance with regulation 6, the particulars required by paragraph (1); or

(*b*) shows the particulars required by the transport rules mentioned in paragraph (7).

(6) Except in the case of an explosive, corrosive or toxic substance, labelling is not required under this regulation where the quantity of the substance is so small that it does not constitute a danger to persons.

(7) The transport rules referred to in paragraphs (4) and (5)(*b*) are—

(*a*) the requirements of law, if any, including bye-laws made, or having effect as if made, under section 57 of the Transport Act (Northern Ireland) 1967(**a**) relating to the carriage of that substance by road, rail, inland waterway, sea or air; or

(*b*) the appropriate provisions of—

(i) the Restricted Articles Regulations of the International Air Transport Association,

(ii) the International Maritime Dangerous Goods Code issued by the Inter-Governmental Maritime Consultative Organisation,

(iii) the European Agreement Concerning the International Carriage of Dangerous Goods by Road, or

(iv) the International Convention Concerning the Carriage of Goods by Rail,

as in force for the time being.

Methods of marking or labelling containers

6.—(1) The particulars required by regulation 5 shall be indelibly marked on the container or on a label securely fixed to the container with its entire surface in contact with it; except that the particulars required by paragraph 1(*e*) of that regulation may be shown on a separate document accompanying the container.

(2) When the particulars required by regulation 5 are marked on the container they shall be marked on a part of the container reserved for that purpose and any reference to a label includes a reference to the part of the container so reserved.

(3) The colour and the nature of the marking or of the label, shall be such that the symbol mentioned in regulation 5(1)(*c*) stands out from its background so as to be readily noticeable.

(4) The container shall be so labelled that the particulars can be read easily when the container is placed in an attitude in which it may normally be expected to be placed.

(**a**) 1967 c. 37 (N.I.)

(5) The dimensions of the label shall be as follows:—

Capacity of container	*Dimensions of label*
(*a*) 3 litres or less	not less than 52 × 74 millimetres
(*b*) exceeding 3 litres but not exceeding 50 litres	not less than 74 × 105 millimetres
(*c*) exceeding 50 litres but not exceeding 500 litres	not less than 105 × 148 millimetres
(*d*) exceeding 500 litres	not less than 148 × 210 millimetres.

Except that where, in a case to which sub-paragraph (*a*) applies, it is impracticable to comply with that sub-paragraph, the label shall be as large as is practicable.

(6) The size of any symbol (including the orange/yellow background) mentioned in regulation 5(1)(*c*) shall be at least equal to one-tenth of the area of a label which complies with paragraph (5) and shall not in any case be less than 1 square centimetre.

(7) Where it is impracticable to attach a label in accordance with paragraph (1) because the container is an awkward shape or is too small, it may be attached in some other suitable manner; if the container is too small for it to be reasonably practicable to attach a label complying with paragraph (5), the label shall be as large as is reasonably practicable.

(8) The word or words required by paragraph (1) shall be in English.

Enforcement

7.—(1) In so far as any provision of these regulations is made under section 2 of the European Communities Act 1972 that provision shall be enforced as if it were a health and safety regulation made under Article 17 of the Order of 1978 and subject to the following provisions, the provisions of that Order and of any regulations made under it shall apply as they apply to health and safety regulations.

(2) In any proceedings for an offence in relation to these regulations to which Article 31(6) of the Order of 1978 applies, the punishment which can be imposed under that paragraph shall be restricted to a fine not exceeding £5 a day.

(3) Where a prescribed dangerous substance is supplied—

(*a*) in or from premises which are registered under section 75 of the Medicines Act 1968, the enforcing authority shall be the Department of Health and Social Services for Northern Ireland;

(*b*) in or from any shop, mobile vehicle or market stall not being so registered, the enforcing authority shall be the district council for the area in which the premises are situated;

(*c*) in any other case it shall be the Department concerned.

(4) In any proceedings alleging a contravention of these regulations it shall be a defence for any person to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

Labelling under these regulations to satisfy requirements of certain other statutory provisions

8. Where a container is required to be labelled in accordance with these regulations and is so labelled, that labelling shall be deemed to satisfy the requirements of—