

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

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—
- 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
 - 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 freight container (other than a tank container), a skip, a vehicle or other article of transport equipment; or
 - 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

(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

- (i) disease-producing micro-organisms or a substance which is a dangerous substance by reason only that it contains disease-producing micro-organisms;
 - (j) a substance which is a sample taken by an authority responsible for the enforcement of any requirement imposed by or under any enactment.
- (2) The provisions of these Regulations which relate to the classification, packaging and labelling of any substance which is dangerous for supply shall apply to any such substance which is supplied except—
- (a) a substance which has been imported into and which is in transit through Northern Ireland under customs control provided that it does not undergo any treatment or processing;
 - (b) a gas which is or has been compressed, liquefied or dissolved under pressure, except that these Regulations shall apply to such a gas which is—
 - (i) in an aerosol dispenser, or
 - (ii) a pesticide;
 - (c) a substance which—
 - (i) is intended for export to a country which is not a member State of the European Communities; or
 - (ii) is intended for supply in a member State of the European Communities which has not implemented any Directive of those Communities which relates to classification, packaging and labelling of that substance;
 - (d) a pesticide which has been approved for safety under the Pesticides Safety Precautions Scheme, in so far as it is packaged and any receptacles and other packagings are labelled in accordance with that approval;
 - (e) a substance which is transferred from a factory, warehouse or other place of work and its curtilage to another place of work in the same ownership and in the immediate vicinity;
 - (f) a substance to which regulation 4(4) of the Notification of New Substances Regulations (Northern Ireland) 1985(a) applies (which relates to certain new substances not yet fully tested) and which is labelled in accordance with the provisions of that regulation;
 - (g) a substance which is a preparation and is a fertiliser to which the Fertilisers Regulations (Northern Ireland) 1977(b) apply;
 - (h) a substance specified in sub-paragraphs (a) to (j) of paragraph (1).
- (3) The provisions of these Regulations which relate to the classification, packaging and labelling of any substance which is dangerous for conveyance shall apply to any such substance which is conveyed by road except—
- (a) where the vehicle in which the substance is being conveyed by road is not being used for, or in connection with, work;
 - (b) where the substance is conveyed by road on, or in connection with, an international transport operation within the meaning of the International Convention for the Conveyance of Goods by Rail (CIM)(c) and the substance is packaged and labelled in accordance with the provisions of that Convention or of Regulations made under it;
 - (c) where the substance is conveyed by road on, or in connection with, an international transport operation within the meaning of the European Agreement concerning the International Carriage of Dangerous Goods by

(a) S.R. 1985 No. 63

(b) S.R. 1977 No. 288

(c) Cmnd. 5897

Road (ADR) signed at Geneva on 30th September 1957 and the conveyance complies with the provisions of Annex A to that Agreement;

- (d) where the vehicle conveying the dangerous substances is not for the time being subject to the provisions of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) by reason only that it is a vehicle belonging to or under the orders of the armed forces of a Contracting Party;
- (e) where the substance is being conveyed by road for or in connection with the carriage of that substance by sea and the substance is packaged and labelled in accordance with the appropriate provisions of either—
 - (i) the International Maritime Dangerous Goods Code issued by the International Maritime Organisation, or
 - (ii) the Report of the Department of Trade's Standing Advisory Committee on the Carriage of Dangerous Goods in Ships;
- (f) where the substance is being conveyed by road for or in connection with the carriage of that substance by air, and the substance is packaged and labelled in accordance with the appropriate provisions of the Technical Instructions for the Safe Transport of Dangerous Goods by Air issued by the International Civil Aviation Organisation;
- (g) where petroleum-spirit, which is intended for use as a fuel for any internal combustion engine and not wholly or partly for the purposes of sale, is conveyed by road in a container which conforms to the requirements of either—
 - (i) the Petroleum-spirit (Motor Vehicles, &c.) Regulations (Northern Ireland) 1930(a), or
 - (ii) Regulations 3 to 8 of the Petroleum-Spirit (Plastic Containers) Regulations (Northern Ireland) 1983(b).

and the quantity of petroleum-spirit so conveyed does not exceed the quantity specified in the appropriate Regulations;

- (h) where the substance is being conveyed by road in a vehicle used on public roads only for delivering goods between private premises and a vehicle in the immediate vicinity, or in passing from one part of such premises to another in the same ownership and in the immediate vicinity;
- (i) in so far as the substance—
 - (i) is used solely in connection with the operation of the vehicle as a means of transport, and
 - (ii) is being carried in a tank which forms part of or is permanently attached to the vehicle or is in a battery;
- (j) a substance specified in sub-paragraphs (a) to (j) of paragraph (1).

In this paragraph any reference to a specified document shall operate as a reference to that document as revised or re-issued from time to time.

(4) These Regulations shall also apply to the preparations mentioned in regulation 12 whether or not those preparations are dangerous substances within the meaning of regulation 2(1).

(5) These Regulations, in so far as they relate to the conveyance by road of substances dangerous for conveyance, shall also relate to the articles specified in Part IC of the approved list as they relate to such dangerous substances.

(a) S.R. & O. (N.I.) 1930 No. 11 (p. 330)

(b) S.R. 1983 No. 43

(6) Where a substance has been imported for delivery to its importer at his place of work, the provisions of these Regulations which relate to the labelling of that substance for the purposes of supply shall not apply until seven days after it has been delivered to the importer, if during that period it is not—

- (a) supplied to any other person; or
- (b) subject to any form of manipulation, treatment or processing which results in the dangerous substance being exposed, or for any purpose other than labelling in accordance with these Regulations results in any receptacle containing the substance being removed from outer packagings.

Meaning of approved list

4. In these Regulations, “approved list” means the list published by the Department of Economic Development (“the Department”) on 21st November 1984 entitled “Information Approved for the Classification, Packaging and Labelling of Dangerous Substances” which contains—

- (a) in Part IA—
 - (i) a list of those substances dangerous for supply for which the Department has approved an indication of general nature of risk, classification and certain risk and safety phrases, and
 - (ii) a list of those substances dangerous for conveyance by road for which the Department has approved a substance identification number and a classification;
- (b) in Part IB, a list of those groups of substances dangerous for conveyance by road not specified in Part IA as dangerous for conveyance by road for which the Department has approved a substance identification number;
- (c) in Part IC, a list of those articles to which, by virtue of regulation 3(5), these Regulations relate as they relate to the conveyance by road of dangerous substances and for which the Department has approved a substance identification number and a classification;
- (d) in Part II a list of substances dangerous for supply for which the Department has approved the classification for the purposes of Schedule 4 (classification of solvents);
- (e) in Part III a list of substances dangerous for supply for which the Department has approved the classification for the purposes of Schedule 5 (classification of paints, varnishes, printing inks, adhesives and similar products);
- (f) in Part IV a list of the risk phrases which the Department has approved for use with dangerous substances; and
- (g) in Part V a list of the safety phrases which the Department has approved for use with dangerous substances,

together with such notes and explanatory material as are requisite for the use of the list.

Classification of substances dangerous for supply

5.—(1) A substance shall be classified as dangerous for supply in accordance with the provisions of paragraphs (2) to (6).

(2) In the case of a substance which is specified in Part IA of the approved list as dangerous for supply, the classification shall be that specified in the entry for that substance in column 2 of that Part.

(3) In the case of a substance which is a new substance within the meaning of regulation 2(1) of the Notification of New Substances Regulations (Northern Ireland) 1985 and which has been notified in accordance with regulation 4(1) of those Regulations, the substance shall be classified in conformity with that notification.

(4) In the case of a substance dangerous for supply which is a preparation and which is—

- (a) intended for use as a pesticide, the preparation shall be classified in accordance with Schedule 3;
- (b) intended for use exclusively as a solvent and to which Schedule 4 applies, the preparation shall be classified in accordance with that Schedule;
- (c) intended for use exclusively as or exclusively for use in a paint, varnish, printing ink, coating, adhesive, jointing compound, putty, sealant, undercoat, paint stripper, degreasing agent, artists' colour, release agent, preservative or primer (other than any preservative or primer which is intended for use as a pesticide) and to which Schedule 5 applies, the preparation shall be classified in accordance with that Schedule.

(5) Subject to paragraph (6), in any other case the substance shall be classified into one or more of the classes indicating 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, unless that substance is not dangerous for supply.

(6) Where it is not reasonably practicable to classify a waste in accordance with paragraphs (1) to (5), that waste may be classified in accordance with the provisions of regulation 6.

Classification of substances dangerous for conveyance

6.—(1) A substance shall be classified as dangerous for conveyance in accordance with the provisions of paragraphs (2) to (4).

(2) In the case of a substance which is specified in Part IA of the approved list as dangerous for conveyance, the classification shall be that specified in the entry for that substance in column 6 of that Part.

(3) In the case of an article specified in Part IC of the approved list, to which these Regulations are applied by regulation 3(5), the classification shall be that specified in the entry for that article in column 6 of that Part.

(4) In any other case, the classification of the substance shall be that specified in column 2 of Part I of Schedule 2 corresponding to the most hazardous of the characteristic properties of the substance specified opposite thereto in column 1 of that Part, unless that substance is not dangerous for conveyance.

Packaging of dangerous substances

7. The supplier of a substance which is dangerous for supply and the consignor of a substance which is dangerous for conveyance shall not supply or convey by road, as the case may be, any such substance unless it is in a package which is suitable for that purpose, and in particular, unless—

- (a) the receptacle containing the dangerous substance, and any associated packagings, are designed, constructed, maintained and closed so as to prevent any of the contents of the receptacle from 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;
- (b) the receptacle and any associated packagings, in so far as they are likely to come into contact with the dangerous substance, are made of materials which are neither liable to be adversely affected by that substance nor liable in conjunction with that substance to form any other substance which is itself a risk to the health or safety of any person; and
- (c) where the receptacle is fitted with a replaceable closure, that closure is designed so that the receptacle can be repeatedly re-closed without its contents escaping.

Labelling of substances dangerous for supply

8.—(1) Subject to paragraphs (3) to (9) and regulations 10 and 11, a supplier shall not supply a substance which is dangerous for supply unless the particulars specified in paragraph (2) relating to the substance are clearly shown, in accordance with the requirements of regulation 13—

- (a) on the receptacle containing the substance; and
 - (b) if that receptacle is inside one or more layers of packagings, on any such layer which is likely to be the outermost layer of packagings during the supply or the use of the substance, unless such packagings permit the particulars shown on the receptacle or other packagings to be clearly seen.
- (2) The particulars required under paragraph (1) shall be—
- (a) the name and address of the manufacturer, importer, wholesaler or other supplier of the substance; and
 - (b) the following particulars ascertained in accordance with Part I of Schedule 6:—
 - (i) the designation of the substance,
 - (ii) the indication or indications of general nature of risk and the symbol or symbols (if any) specified in Part I of Schedule 1 for those general indications of risk,
 - (iii) the risk phrases,
 - (iv) the safety phrases, and
 - (v) in the case of pesticides, the additional information specified in paragraph 3 of Part I of Schedule 6.

(3) In addition to the particulars specified in paragraph (2), other health or safety information relating to the use of the substance may be included on the label required under paragraph (1), except that the indications “non-toxic”, “non-harmful” or other similar indications shall not be given, but this shall not prevent the use of the indication “non-flammable” for substances that will not burn or support combustion.

(4) Except for the outermost packagings of a package in which a substance is transferred, labelling in accordance with this regulation shall not be required where a substance dangerous for supply is supplied by way of transfer from a factory, warehouse or other place of work and its curtilage to another place of work in the same ownership, if, at that other place of work it is not subject to any form of manipulation, treatment or processing which results in the dangerous substance being exposed or, for any purpose other than labelling in accordance with these Regulations, results in any receptacle containing the substance being removed from outer packagings.

(5) Except in the case of a substance which is classified as explosive, very toxic, toxic or corrosive, labelling under this regulation shall not be required for such small quantities of that substance that there is no reason to fear danger to persons handling that substance or to other persons.

(6) Where, in the case of a dangerous substance other than a pesticide, the package in which the dangerous substance is supplied does not contain more than 125 millilitres of the substance, the risk phrases required by paragraph (2)(b)(iii) and the safety phrases required by paragraph 2(b)(iv) need not be shown unless the substance is classified as explosive, very toxic, toxic, corrosive or extremely flammable or, in the case of substances intended to be supplied to the public, harmful.

(7) Where, because of the size of the label, it is not reasonably practicable to provide the safety information required under paragraph (2)(b)(iv) on the label, that information may be given on a separate label or on a sheet accompanying the package.

(8) Where by virtue of regulation 5(6) a waste has been classified in accordance with regulation 6, that waste shall be labelled in accordance with regulation 9 and not in accordance with this regulation.

(9) Where the dangerous substance is a pesticide which has been approved for safety under the Pesticides Safety Precautions Scheme and the receptacle has been labelled in accordance with that approval—

- (a) it shall be sufficient compliance with paragraph (1)(b) if any layers of packagings required to be labelled under that paragraph show the label specified in accordance with that approval; and
- (b) for the purposes of regulation 10 the labelling in accordance with that approval shall be treated as labelling in accordance with this regulation.

Labelling of substances dangerous for conveyance

9.—(1) Subject to paragraph (4) and regulation 10, a consignor shall not consign for conveyance by road a substance which is dangerous for conveyance unless the package in which that substance is conveyed clearly shows in accordance with regulation 13 the particulars specified in paragraph (2) or permits these particulars when shown on the receptacle or on inner packagings to be clearly seen.

(2) The particulars required under paragraph (1) shall be—

- (a) the name and the address or telephone number or both of the consignor or of some other person in Great Britain or Northern Ireland from whom expert advice on the dangers created by the substance may be obtained;
- (b) the following particulars ascertained in accordance with Schedule 7—
 - (i) the designation of the substance,
 - (ii) the substance identification number (if any), and
 - (iii) the hazard warning sign;
- (c) in a case where the quantity of a substance dangerous for conveyance in any receptacle is more than 25 litres, the nature of the dangers to which the substance may give rise and the emergency action that should be taken, except that this information may be shown on a separate statement accompanying the package if that statement also shows the particulars required by sub-paragraphs (a) and (b)(i) and the classification.

(3) Nothing in paragraph (2) shall be taken as preventing—

- (a) in the case of a package containing two or more dangerous substances, separate labels which comply with that paragraph from being shown for each such substance in accordance with paragraph (1); or
- (b) in the case of a gas cylinder, the information required by paragraph (2)(c) from being shown partly on the label and partly on the separate statement.

(4) Labelling under this regulation is not required—

- (a) in the following cases, where the volume of the receptacle, or the total volume of all the receptacles in a package is—
 - (i) in the case of receptacles containing any toxic gas, 25 millilitres or less,
 - (ii) in the case of receptacles containing any flammable gas, 500 millilitres or less, or
 - (iii) in the case of receptacles containing any non-flammable compressed gas, 5.5 litres or less, except that in determining the total volume of receptacles in a package, no account shall be taken of any individual receptacle having a volume of 1.4 litres or less;
- (b) in any other case, where the total quantity of substances dangerous for conveyance in the package is one litre or less.

Derogations from regulations 8 and 9

10.—(1) Where a package would otherwise be required to show the particulars required by both regulation 8 and regulation 9, it shall be a sufficient compliance if the package shows in accordance with regulation 13 the particulars specified in paragraphs (2) to (5).

(2) Except in the case of a pesticide, where the package consists only of a single receptacle, the specified particulars are—

- (a) in a case where the quantity of the substance dangerous for conveyance is less than 250 litres either—
- (i) the particulars required by paragraph (2)(a), (b)(i), (iii) and (iv) of regulation 8 and paragraph (2)(b)(ii) and (iii) of regulation 9, or
 - (ii) the particulars required by regulation 8 and the particulars required by regulation 9(2)(b)(ii);
- (b) in any other case, the particulars required by paragraph (2)(a), (b)(i), (iii) and (iv) of regulation 8 and paragraph (2)(b)(ii) and (iii) and (c) of regulation 9, except that the particulars required by regulation 9(2)(c) may be shown on a separate statement accompanying the package if that statement also shows the particulars required by regulation 9(2)(a) and (b)(i) and the classification.

(3) Except in the case of a pesticide, where the package consists of one or more receptacles in outer packagings, the specified particulars are—

- (a) in a case where the total quantity of dangerous substances in the package is less than 250 litres—
- (i) the particulars required by paragraph (2)(a)(i), or (ii), or
 - (ii) the particulars required by regulation 9;
- (b) in any other case either—
- (i) the particulars required by paragraph (2)(b), or
 - (ii) the particulars required by regulation 9.

(4) In the case of a pesticide, (whether the package consists only of a single receptacle or of one or more receptacles in outer packagings), the specified particulars are—

- (a) where the total quantity of a pesticide in the package is less than 250 litres, either—
- (i) the particulars required by paragraph (2)(a), (b)(i), (iii), (iv) and (v) of regulation 8 and paragraph (2)(b)(ii) and (iii) of regulation 9, or
 - (ii) the particulars required by regulation 8 and by regulation 9(2)(b)(ii);
- (b) in any other case, the particulars required by paragraph (2)(a), (b)(i), (iii), (iv) and (v) of regulation 8 and paragraph (2)(b)(ii) and (iii) and (c) of regulation 9, except that the particulars required by regulation 9(2)(c) may be shown on a separate statement accompanying the package if that statement also shows the particulars required by regulation 9(2)(a) and (b)(i) and the classification.

(5) Where, to facilitate handling, a package consists of two or more smaller packages mounted on a pallet or similar device in such a way that the labels on those smaller packages can be clearly seen, then it shall be a sufficient compliance with paragraph (3) or paragraph (4) if those smaller packages are labelled in accordance with the relevant paragraph.

Derogations from regulation 8 in relation to certain transport rules

11.—(1) Where a package is required to show the particulars required by regulation 8 but is excepted from showing the particulars required by regulation 9 because it is labelled in accordance with the transport rules specified in regulation 3(3)(b), (c), (e) or (f), it shall be a sufficient compliance with regulation 8 if the package shows the particulars specified in paragraphs (2) and (3).

(2) Where the package consists only of a single receptacle, the specified particulars are—

- (a) the particulars required by whichever of the transport rules is appropriate; and
- (b) the particulars required by paragraph (2)(a), (b)(i), (iii) and (iv) of regulation 8 in accordance with regulation 13.

(3) Where the package consists of one or more receptacles in outer packagings, the specified particulars are those required by whichever of the transport rules is appropriate.

Particular labelling requirements for certain preparations

12.—(1) In the case of preparations to which Part II of Schedule 6 applies, namely:—

- (a) paints or varnishes containing more than 0.5 per cent. lead;
- (b) cyanoacrylate-based adhesives;
- (c) certain preparations containing isocyanates;
- (d) certain preparations containing sensitisers; and
- (e) certain preparations intended to be sprayed,

the appropriate provisions of that Part shall have effect to regulate the labelling of such preparations whether or not those preparations would otherwise be dangerous substances within the meaning of these Regulations.

(2) In the case of preparations packaged in aerosol dispensers, the flammability criteria set out in Part III of Schedule 1 shall have effect for the classification of those preparations for the purposes of supply in place of the classifications “extremely flammable”, “highly flammable” or “flammable” set out in Part I of that Schedule, and where a dispenser contains a substance so classified as “flammable”, that dispenser shall be labelled as flammable in accordance with the provisions of the said Part III.

Methods of marking or labelling packages

13.—(1) Any package which is required to be labelled in accordance with regulations 8 to 12 may carry the particulars required to be on the label indelibly marked on a part of that package reserved for that purpose and any reference in these Regulations to a label includes a reference to that part of the package so reserved.

(2) Any label required to be carried on a package shall be securely fixed to the package with its entire surface in contact with it and the label shall be clearly and indelibly printed.

(3) The colour and nature of the marking shall be such that the symbol or, as the case may be, the hazard warning sign stands out from its background so as to be readily noticeable.

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

(5) Subject to paragraph (8), the dimensions of the label required under regulation 8 and that part of a label required under regulation 9 which does not carry the hazard warning sign shall be as follows:—

<i>Capacity of package</i>	<i>Dimensions of label</i>
(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

(6) The size of any symbol (including the orange-yellow background) required to be shown by regulation 8(2)(b)(ii) and specified in column 3 of Part I of Schedule 1 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 100 square millimetres.

(7) Subject to paragraph (8), a hazard warning sign shall have a side length of at least 100 millimetres.

(8) Where it is not reasonably practicable to attach a label in accordance with paragraph (2), it may be attached in some other suitable manner, or if the container is an awkward shape or so small that it is not reasonably practicable to attach a label complying with paragraph (5) or (7), the label shall be as large as is reasonably practicable and in the case of a gas cylinder, the label may be attached to the non-cylindrical part of it or in some other suitable manner.

(9) The particulars required to be shown on the label shall be in English, except that where a substance is intended to be supplied to persons in another member State of the European Communities the particulars may be in an official language of that State as laid down in the provisions relating to the labelling of that substance made by that State.

Exemption Certificates

14.—(1) Subject to paragraph (2) and to any of the provisions imposed by the European Communities in respect of the free movement of dangerous substances, the Department may, by a certificate in writing, exempt any person or class of persons, dangerous substance or class of dangerous substances, article or class of articles, from all or any of the requirements or prohibitions imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by a certificate in writing.

(2) The Department shall not grant any such exemption unless, having regard to the circumstances of the case, and in particular to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any requirements imposed by or under any enactments which apply to the case,

it is satisfied that the health or safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

Enforcement and civil liability

15.—(1) In as far as any provision of these Regulations is made under section 2(2) of the European Communities Act 1972(a) that provision—

- (a) subject to the following paragraphs, shall be treated as if it were a health and safety Regulation made under Article 17 of the Health and Safety at Work (Northern Ireland) Order 1978 and the provisions of that Order (including the provisions relating to enforcement, the approval of codes of practice and the use of codes of practice in criminal proceedings) and of any health and safety Regulations made under that Order shall apply to that provision as they apply to health and safety Regulations;
- (b) shall, in the event of a breach of any duty imposed by that provision, confer a right of action in civil proceedings in so far as that breach of duty causes damage.

(2) The enforcing authority for these Regulations shall be the Department concerned except that—

- (a) where the dangerous substance is supplied in or from premises which are registered under section 75 of the Medicines Act 1968(b), the enforcing authority shall be the Department of Health and Social Services;

(b) where the dangerous substance is supplied otherwise than as in (a)—

- (i) in or from any shop, mobile vehicle, market stall or other retail outlet, or
- (ii) otherwise to members of the public, including by way of free sample or prize or mail order,

the enforcing authority shall be the district council for the area in which the premises are situated.

(3) In any case where by virtue of paragraph 2(a) or (b) these Regulations are enforced by the Department of Health and Social Services or the district council for the area in which the premises are situated, they shall be enforced as if they were safety Regulations made under section 1 of the Consumer Safety Act 1978(a) and the provisions of section 5 of and Schedule 2 to that Act shall relate to these Regulations as if they were safety Regulations.

(4) In any proceedings for an offence under 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 that offence.

Revocations, modifications and transitional provisions

16.—(1) Until 1st January 1986, it shall be a sufficient compliance with these Regulations if—

- (a) in the case of a substance dangerous for supply, it is packaged and labelled in accordance with the provisions of the Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1981(b) as in force immediately before the coming into operation of these Regulations; or
- (b) in the case of a substance dangerous for conveyance, it is packaged and labelled in accordance with the provisions of the Regulations specified in Schedule 8 as in force immediately before the coming into operation of these Regulations,

and in either case where those provisions did not impose requirements in respect of the packaging or labelling of a substance, these Regulations shall not have effect to regulate the packaging and labelling of that substance until that date.

(2) Until 1st January 1987, in any proceedings for an offence 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 these 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 1st January 1986 no offence would have been committed;
- (b) that the substance was packaged and labelled before 1st January 1986 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.

(3) The following Regulations are hereby revoked:—

- (a) the Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1981(c);

(a) 1978 c. 38

(b) S.R. 1981 No. 283 as amended by S.R. 1983 No. 286

(c) S.R. 1981 No. 283

(b) the Packaging and Labelling of Dangerous Substances (Amendment) Regulations (Northern Ireland) 1983(a).

(4) Where these Regulations apply, nothing in the Regulations specified in Schedule 8 shall—

(a) prohibit on grounds relating to packaging or labelling the conveyance by road of a dangerous substance which has been classified and is packaged and labelled in accordance with these Regulations; or

(b) be construed as permitting the conveyance by road of a dangerous substance which has not been classified or is not packaged or labelled in accordance with these Regulations;

and those Regulations shall be modified accordingly.

(5) Where a dangerous substance is required to be labelled in accordance with these Regulations and is so labelled, that labelling shall be deemed to satisfy the requirements of—

(a) section 5 of the Petroleum (Consolidation) Act (Northern Ireland) 1929(b) including that section as applied to any dangerous substance by an Order in Council or Order made under section 19 of that Act;

(b) regulations 4 and 10 of the Gas Cylinders (Conveyance) Regulations (Northern Ireland) 1936(c);

(c) regulations 6 and 7 of the Highly Flammable Liquids and Liquefied Petroleum Gases Regulations (Northern Ireland) 1975(d).

(6) The Notification of New Substances Regulations (Northern Ireland) 1985(e) shall be amended as follows:—

(a) at the end of regulation 4(1)(c)(ii) but before the word “and” insert “, as supplemented by regulation 8 of the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985 (S.R. No. 81)”;

(b) at the end of Schedule 3 for the note substitute the following note:—
“Note: (This note does not form part of Article 16(2)).

The data required under this Schedule may be ascertained in accordance with regulation 8 of the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985 (S.R. No. 81)”.

Sealed with the Official Seal of the Department of Agriculture on 11th April 1985.

(L.S.)

K. E. Brady

Assistant Secretary

Sealed with the Official Seal of the Department of Environment on 11th April 1985.

(L.S.)

J. M. Irvine

Assistant Secretary

(a) S.R. 1983 No. 286

(b) 1929 c. 13 (N.I.)

(c) S.R. & O. (N.I.) 1936 No. 113

(d) S.R. 1975 No. 256

(e) S.R. 1985 No. 63

Sealed with the Official Seal of the Department of Health and Social Services on
11th April 1985.

(L.S.)

Zelma I. Davies

Under Secretary

Sealed with the Official Seal of the Department of Economic Development on
11th April 1985.

(L.S.)

Colin Stutt





Assistant Secretary






SCHEDULE 1 Regulations 2(1), 5(5), 8(2), 12(2)
and 13(6)

The classification of and symbols for substances dangerous for supply

PART I

Table of characteristic properties, indications of general nature of risk and symbols

1 Characteristic properties of the substance	2 Classification and indication of general nature of risk	3 Symbol
A substance which may explode under the effect of flame or which is more sensitive to shocks or friction than dinitrobenzene.	Explosive.	
A substance which gives rise to highly exothermic reaction when in contact with other substances, particularly flammable substances.	Oxidizing.	
A liquid having a flash point of less than 0 degrees Celsius and a boiling point of less than or equal to 35 degrees Celsius (see Note 1).	Extremely flammable.	
A substance which— (a) may become hot and finally catch fire in contact with air at ambient temperature without any application of energy; (b) is a solid and may readily catch fire after brief contact with a source of ignition and which continues to burn or to be consumed after removal of the source of ignition; (c) is gaseous and flammable in air at normal pressure (see Note 1); (d) in contact with water or damp air, evolves highly flammable gases in dangerous quantities; or (e) is a liquid having a flash point below 21 degrees Celsius (see Note 1).	Highly flammable.	
A substance which is a liquid having a flash point equal to or greater than 21 degrees Celsius and less than or equal to 55 degrees Celsius, except a liquid which when tested at 55° in the manner described in Schedule 2 to the Highly Flammable Liquids and Liquefied Petroleum Gases Regulations (Northern Ireland) 1975(a) does not support combustion (see Note 1).	Flammable.	No symbol required.

1 Characteristic properties of the substance	2 Classification and indication of general nature of risk	3 Symbol
A substance which if it is inhaled or ingested or it penetrates the skin, may involve extremely serious acute or chronic health risks and even death (see Note 2).	Very toxic.	
A substance which if it is inhaled or ingested or it penetrates the skin, may involve serious acute or chronic health risks and even death (see Note 2).	Toxic.	
A substance which if it is inhaled or ingested or if it penetrates the skin, may involve limited health risks (see Note 2).	Harmful.	
A substance which may on contact with living tissues destroy them.	Corrosive.	
A non-corrosive substance which, through immediate, prolonged or repeated contact with the skin or mucous membrane, can cause inflammation.	Irritant.	

Note 1. Preparations packed in aerosol dispensers shall be classified as flammable in accordance with Part III.

Note 2. Substances shall be classified as very toxic, toxic or harmful in accordance with the additional criteria set out in Part II.

PART II

Criteria for the classification of substances as very toxic, toxic or harmful

1. "Very toxic", "toxic" or "harmful" means in relation to a dangerous substance not classified in accordance with Schedule 3, 4 or 5, that the substance has a toxicity falling within the range set out in the table below for that category.

Category	LD50 absorbed orally in rat mg/kg.	LD50 absorbed percutaneously in rat or rabbit mg/kg.	LC50 absorbed by inhalation in rat mg/litre (4 hrs).
Very toxic	≤25	≤50	≤0.5
Toxic	>25 to 200	>50 to 400	>0.5 to 2
Harmful	>200 to 2000	>400 to 2000	>2 to 20

If facts show that for the purposes of classification it is inadvisable to use the LD50 or LC50 values as a principal basis because the substance produces other effects, the substance shall be classified according to the magnitude of these effects.

PART III

Classification of preparations in aerosol dispensers as flammable

2. A preparation which is packed in an aerosol dispenser shall be classified at least as "flammable" if that dispenser contains either—

- (a) more than 45 per cent. by weight of flammable substances; or
- (b) more than 250 grams of flammable substances.

For the purposes of this paragraph, "flammable substances" means highly flammable gases or flammable liquids having flash points equal to or less than 100°C.

3. Where an aerosol dispenser contains a preparation which is classified in accordance with paragraph 2 as flammable it shall show in accordance with regulation 13 either—

- (a) the word "flammable"; or
- (b) the symbol specified in column 3 of Part I for the classification "extremely flammable" or "highly flammable",

or both that word and that symbol.

PART IV

Methods for the Determination of Flash Point

4. For the purpose of classifying a dangerous substance in accordance with Parts I and III or Part I of Schedule 2, the flash point (or, in the case of the methods mentioned in paragraph 5(a), the classification of the substance) shall be determined—

- (a) by one of the equilibrium methods referred to in paragraph 5; or
- (b) by one of the non-equilibrium methods referred to in paragraph 6, except that when the flash point so determined falls within one of the following ranges:—
 - (i) -2°C to $+2^{\circ}\text{C}$,
 - (ii) 19°C to 23°C , or
 - (iii) 53°C to 57°C ,

that flash point must be confirmed by one of the equilibrium methods referred to in paragraph 5.

5. The equilibrium methods mentioned in paragraph 4 are those defined in the following standards:—

- (a) International Standards ISO 1516 and ISO 3680 (which show whether or not a liquid is classified on the basis of flash point as extremely flammable, highly flammable or flammable);
- (b) International Standards ISO 1523 and ISO 3679 (which provide a value for the flash point).

6. The non-equilibrium methods mentioned in paragraph 4 use the apparatus referred to below in accordance with the following standards:—

- (a) Abel apparatus—
 - (i) British Standard BS 2000 Part 170,
 - (ii) French Standard NFM 07-011,
 - (iii) French Standard NFT 66-009;
- (b) Abel — Pensky Apparatus—
 - (i) European Standard EN57,
 - (ii) German Standard DIN 51755, Parts 1 and 2,
 - (iii) French Standard NFM 07-036;
- (c) Tag Apparatus—
 - (i) American Standards ASTM D-56;
- (d) Pensky — Martens Apparatus—
 - (i) British Standard BS 2000 Part 34,

- (ii) International Standard ISO 2719,
- (iii) American Standard ASTM D 93,
- (iv) French Standard NFM 07-019,
- (v) German Standard DIN 51758;
- (e) for viscous liquids—
 - (i) German Standard DIN 53213, Part 1.

7. The use of any method or apparatus referred to in paragraphs 5 and 6 is subject to the conditions specified in the appropriate standard.

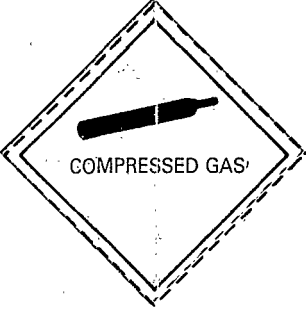

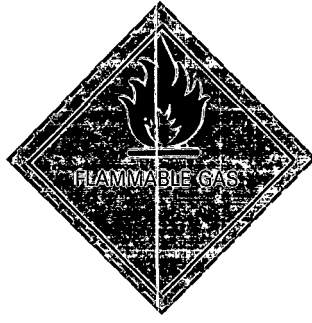
SCHEDULE 2


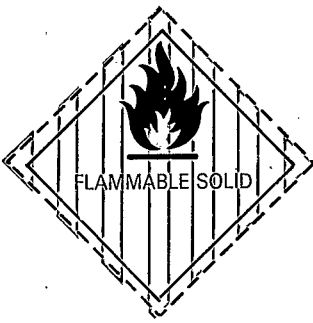
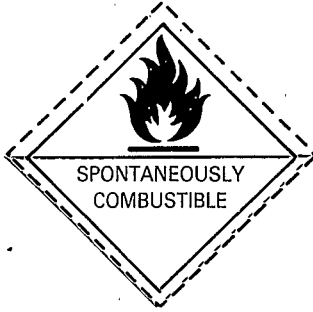
Regulations 2(1) and 6(4)



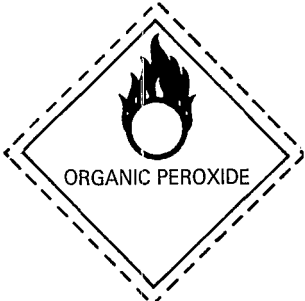
The classification of and hazard warning signs for substances dangerous for conveyance

PART I

Table of characteristic properties, classification and hazard warning signs

1 Characteristic properties of the substance	2 Classification	3 Hazard warning sign
<p>A substance which—</p> <p>(a) has a critical temperature below 50° or which at 50° has a vapour of more than 3 bars absolute; and</p> <p>(b) is conveyed by road at a pressure of more than 500 millibars above atmospheric pressure or in liquefied form,</p> <p>other than a toxic gas or a flammable gas.</p>	Non-flammable compressed gas.	
<p>A substance which has a critical temperature below 50°C or which at 50°C has a vapour pressure of more than 3 bars absolute and which is toxic.</p>	Toxic gas.	
<p>A substance which has a critical temperature below 50°C or which at 50°C has a vapour pressure of more than 3 bars absolute and is flammable (see Note 1).</p>	Flammable gas.	

1 Characteristic properties of the substance	2 Classification	3 Hazard warning sign
<p>A liquid with a flash point of 55°C or below except a liquid which—</p> <p>(a) has a flash point equal to or more than 21°C and less than or equal to 55°C; and</p> <p>(b) when tested at 55°C in the manner described in Schedule 2 to the Highly Flammable Liquids and Liquefied Petroleum Gases Regulations (Northern Ireland) 1975(a) does not support combustion.</p>	Flammable liquid.	
(See Notes.)		
<p>A solid which is readily combustible under conditions encountered in conveyance by road or which may cause or contribute to fire through friction.</p>	Flammable solid.	
<p>A substance which is liable to spontaneous heating under conditions encountered in conveyance by road or to heating in contact with air being then liable to catch fire.</p>	Spontaneously combustible substance.	

1 Characteristic properties of the substance	2 Classification	3 Hazard warning sign
A substance which in contact with water is liable to become spontaneously combustible or to give off a flammable gas.	Substance which in contact with water emits flammable gas.	
A substance other than an organic peroxide which, although not itself necessarily combustible, may by yielding oxygen or by a similar process cause or contribute to the combustion of other material.	Oxidizing substance.	
A substance which is— (a) an organic peroxide; and (b) an unstable substance which may undergo exothermic self-accelerating decomposition.	Organic peroxide.	

1 Characteristic properties of the substance	2 Classification	3 Hazard warning sign
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A substance known to be so toxic to man as to afford a hazard to health during conveyance or which, in the absence of adequate data on human toxicity, is presumed to be toxic to man.

Toxic substance.



A substance known to be toxic to man or, in the absence of adequate data on human toxicity, is presumed to be toxic to man but which is unlikely to afford a serious acute hazard to health during conveyance.

Harmful substance.





A substance which by chemical action will—

- (a) cause severe damage when in contact with living tissue;
- (b) materially damage other freight or equipment if leakage occurs.

Corrosive substance.



1 Characteristic properties of the substance	2 Classification	3 Hazard warning sign
A substance which is listed in Part 1A of the approved list and which may create a risk to the health or safety of persons in the conditions encountered in conveyance by road, whether or not it has any of the characteristic properties set out above.	Other dangerous substance.	

Packages containing two or more dangerous substances which have different characteristic properties.	Mixed hazards.	
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Note 1. An aerosol which is flammable in accordance with paragraph 2 of Part III of Schedule 1 shall have the classification of a flammable gas. Other aerosols need not be classified as flammable gas or flammable liquid.

Note 2. Viscous preparations which comply with the conditions in Part III of this Schedule shall not be required to be classified as flammable.

PART II

Specification of hazard warning signs

1. The hazard warning sign to be used on a label shall be that shown in column 3 of Part I for the classification of the substance shown in the corresponding entry in column 2 of that Part and the signs shall conform in form and colour to those shown in the said column 3, except that—

- (a) in the case of the signs for the classifications, “non-flammable compressed gas”, “flammable gas”, “flammable liquid” and “substance which in contact with water emits flammable gas”, the symbol and the lettering may be in white;
- (b) in the case of the sign for the classification “spontaneously combustible substance”, the lettering may be in white;
- (c) in place of the word “toxic”, the word “poison” may be used wherever it occurs;
- (d) in place of the word “flammable”, the word “inflammable” may be used wherever it occurs; and
- (e) the sign may show the class number in accordance with the International Maritime Dangerous Goods Code issued by the International Maritime Organisation or the Technical Instructions for the Safe Transport of Dangerous Goods by Air issued by the International Civil Aviation Organisation.

2. Each hazard warning sign shall be in the form of a square set with its sides at an angle of 45° to the vertical.

3. Hazard warning signs shall have a line of the same colour as the symbol, 5 millimetres inside the edge and running parallel to it. (The broken line which surrounds each sign delineates the edge of that sign and need not be shown.)

PART III

Viscous preparations not required to be classified as flammable

4. For the purposes of Part I, preparations which comply with the following conditions shall not be required to be classified as flammable:—

- (a) the preparation is not classified as toxic or corrosive;
- (b) the preparation is a solution or homogeneous mixture which does not contain nitrocellulose;
- (c) the flash point of the preparation is equal to or greater than 21°C;
- (d) in a suitable solvent separation test, the solvent which separates is not more than three per cent. of the volume of the preparation;
- (e) the viscosity of the preparation when determined at 23°C in a flow cup conforming to the International Standards Organisation Standard ISO 2431 — 1980 or British Standard BS 3900: Part A6 — 1983 and having a jet diameter of 6mm is—
 - (i) in a case where the preparation contains not more than 60 per cent. of a flammable liquid with a flash point of 55°C or less, not less than 40 seconds,
 - (ii) in any other case, not less than 60 seconds.

SCHEDULE 3

Regulations 2(1) and 5(4)(a)

*Classification provisions for preparations intended to be used as pesticides**Interpretation*

1. A pesticide means a preparation designed—

- (a) to destroy organisms harmful to plants or to plant products or to protect plants and plant products from such organisms;
- (b) to improve or regulate plant production, with the exception of a fertiliser and a soil conditioner;
- (c) to preserve plant products except—
 - (i) a wood preservative which does not contain preservatives which penetrate into the wood, or
 - (ii) a food preservative, to which the Preservatives in Food Regulations (Northern Ireland) 1980(a) apply;
- (d) to destroy undesired plants;
- (e) to destroy parts of plants or to prevent undesired growth; or
- (f) to render harmless or to destroy, or to give protection against, any nuisance or harmful animals or insect pests and to control organisms with harmful or unwanted effects on water systems, buildings or other structures, or manufactured products.

Classification as very toxic, toxic or harmful

2.—(1) A preparation intended for use as a pesticide shall be classified as very toxic, toxic or harmful if its toxicity as determined by an internationally recognised test method in accordance with sub-paragraph (2) is within the range for that classification in the table set out at the end of this sub-paragraph.

Classification	LD50 absorbed orally in rat, mg/kg.	LD50 absorbed percutaneously in rat or rabbit, mg/kg.	LC50 absorbed by inhalation in rat, mg/litre (4 hrs).		
	Solids other than baits and tablets	Liquids and bait preparations and pesticides in tablet form	Solids other than baits and tablets	Liquids and bait preparations and pesticides in tablet form	Gases, liquefied gases, fumigants and aerosols, powders having particle size ≤ 50 microns
Very toxic	≤ 5	≤ 25	≤ 10	≤ 50	≤ 0.5
Toxic	>5 to 50	>25 to 200	>10 to 100	>50 to 400	>0.5 to 2
Harmful	>50 to 500	>200 to 2000	>100 to 1000	>400 to 4000	>2 to 20

(2) Subject to sub-paragraphs (3) and (4), pesticides shall be classified as very toxic, toxic or harmful by carrying out toxicity tests on the pesticide in the form in which it is intended to be used and these tests shall be suitable having regard to the nature and intended method of use of the pesticide and in particular—

- (a) in the case of pesticides which can be absorbed through the skin, the percutaneous LD50 value shall be used where it is such that it would place a pesticide in a more restrictive class than the oral LD50 value or the inhalation LC50 value; and
- (b) in the case of gases, liquefied gases, fumigants and aerosols and powders in which the diameter of the particles does not exceed 50 microns, the inhalation LC50 value shall be used.

- (3) In a case where a preparation to which this Schedule applies—
- (a) contains only one active ingredient;
 - (b) the toxicity of that active ingredient is known; and
 - (c) there are valid grounds for believing that the toxicity determined on the basis of a calculation carried out in accordance with this sub-paragraph would not differ substantially from the toxicity determined by biological testing carried out in accordance with sub-paragraphs (1) and (2), the toxicity of the preparation may be calculated in accordance with the formula—

$$\frac{L \times 100}{C}$$

C

where L is the oral toxicity (LD_{50}) of the active ingredient and C its concentration as a percentage by weight.

- (4) Account shall also be taken of any fact which suggests that—
- (a) the preparation in normal use involves a risk to human health;
 - (b) the preparation is less toxic or harmful than its ingredients seem to indicate; or
 - (c) in relation to a particular preparation, the rat is not the most suitable animal for testing.

3. Classification for properties other than very toxic, toxic or harmful shall be carried out in accordance with the provisions of regulation 5(5).

SCHEDULE 4

Regulation 5(4)(b)

Classification provisions for certain preparations intended to be used exclusively as solvents

Application

1. The provisions of this Schedule shall apply for the purpose of classifying for supply certain preparations which—

- (a) are intended for use exclusively as solvents; and
- (b) contain only those dangerous substances listed in Part II of the approved list or substances which are—
 - (i) dangerous substances which are classified for supply as extremely flammable, highly flammable or flammable; and
 - (ii) substances which are not classified as dangerous for supply.

Classes of toxic and harmful substances

2. The classes of toxic and harmful substances specified in Part II of the approved list shall be assigned the indices I_1 and I_2 in accordance with the following table.

	Class	I_1	I_2
Very toxic and toxic	I/a	500	500
	I/b	100	100
	I/c	25	25
Harmful	II/a	5	20
	II/b	2	8
	II/c	1	4
	II/d	0.5	2

Classification as toxic or harmful

3. Where a preparation contains one or more substances which are classified in Part II of the approved list as toxic or harmful, then, subject to paragraph 4, that preparation shall be classified—

- (a) as toxic, if the sum of the figures obtained by multiplying the index I_1 for each such substance by its concentration in per cent. by weight in the preparation exceeds 500;
- (b) as harmful—
 - (i) if the sum of the figures obtained by multiplying the index I_1 for each such substance by its concentration in per cent. by weight in the preparation is equal to or less than 500; and
 - (ii) if the sum of the figures obtained by multiplying the index I_2 for each such substance by its concentration in per cent. by weight in the preparation exceeds 100.

4.—(1) Where the preparation contains an impurity or additive which, although not listed in Part II of the approved list, is listed in Part IA of that list and is there classified as very toxic, toxic or harmful, then for the purposes of paragraph 3—

- (a) if that substance is classified as very toxic or toxic, it shall be deemed to be in class I/a;
- (b) if that substance is classified as harmful it shall be deemed to be in class II/a.

(2) In determining in accordance with paragraph 3 whether a preparation is toxic or harmful, no account shall be taken of any substance which is or is deemed to be—

- (a) in class I, if its concentration in the preparation is less than 0.2 per cent. by weight; or
- (b) in class II, if its concentration in the preparation is less than 1 per cent. by weight.

Classification as corrosive

5.—(1) A preparation to which this Schedule applies shall, subject to sub-paragraph (2) be classified as corrosive if—

- (a) it contains a substance which is classified as corrosive in Part II of the approved list and the concentration of that substance is greater than the concentration specified in that Part for classification as corrosive; or
- (b) it contains two or more substances which are classified as corrosive in Part II of the approved list and the sum of the weight percentage (Pc) of each such substance divided in each case by the concentration specified for classification as corrosive in that Part (Rc) is greater than 1—

$$\sum \frac{Pc}{Rc} > 1$$

(2) In determining whether a preparation is corrosive, no account shall be taken of any substance classified as corrosive which is present in the preparation at a concentration of less than 1 per cent. by weight.

Classification as irritant

6.—(1) A preparation to which this Schedule applies shall, subject to sub-paragraph (2) be classified as irritant if it is not classified as corrosive and—

- (a) it contains a substance which is classified as corrosive in Part II of the approved list and the concentration of that substance is within the range of concentrations specified as irritant in that Part;
- (b) it contains a substance which is classified as irritant in Part II of the approved list and the concentration of that substance is greater than the concentration specified for classification as irritant in that Part; or
- (c) it contains two or more substances which are classified as corrosive or irritant in Part II of the approved list and the sum of the weight percentage (Pc) of each corrosive substance divided in each case by the lower limit concentration value for irritancy (Rx) for that substance given in that Part, together with the sum of the weight percentage (Px) of each irritant substance divided in each case by the concentration for that substance given in that Part (Rx) is greater than 1—

$$\sum \frac{Pc}{Rx} + \sum \frac{Px}{Rx} > 1$$

- (2) In determining whether a preparation is irritant, no account shall be taken of—
- (a) any corrosive substance if its concentration in the preparation is less than 1 per cent. by weight; or
- (b) any irritant substance if its concentration in the preparation is less than 2 per cent. by weight.

Classification as extremely flammable, highly flammable and flammable

7. A preparation to which this Schedule applies which is extremely flammable, highly flammable or flammable shall be classified in accordance with the provisions of regulation 5(5).

SCHEDULE 5

Regulation 5(4)(c)

Classification provisions for preparations intended to be used exclusively as or exclusively for use in paints, varnishes, printing inks, adhesives and similar products

Application

1. The provisions of this Schedule shall apply for the purpose of classifying for supply preparations which are intended exclusively for use as, or exclusively for use in—

- (a) paints, varnishes, printing inks, coatings, adhesives, jointing compounds, putties, sealants, undercoats, paint strippers, degreasing agents, artists' colours or release agents; or
- (b) preservatives or primers which are not pesticides.

Substances to be included for classification

2. In classifying a preparation in accordance with the provisions of paragraphs 3 to 7, account shall be taken of any additive or impurity in the preparation.

Classification as toxic

3. A preparation to which this Schedule applies shall be classified as toxic if—

- (a) it contains a solvent or mixture of solvents classified as toxic when determined in accordance with the method set out in paragraphs 2 and 3 of Schedule 4, except that the concentration of each component of the solvent shall be calculated as the percentage of the total weight of the preparation in the form that it is intended to be supplied;
- (b) it contains a substance which is classified as toxic in Part III of the approved list and the concentration of that substance exceeds the toxic concentration specified for that substance in that Part; or
- (c) it contains one or more substances which, although not classified as toxic in Part II or III of the approved list, are classified as very toxic or toxic in Part IA of that list and the total concentration of such substances exceeds 1 per cent. of the total weight of the preparation, but no account shall be taken of any such substance unless its concentration exceeds 0.2 per cent. of the total weight of the preparation.

Classification as harmful

4. A preparation to which this Schedule applies shall be classified as harmful if—

- (a) it contains a solvent or mixture of solvents classified as harmful when determined in accordance with the method set out in paragraphs 2 and 3 of Schedule 4, except that the concentration of each component of the solvent shall be calculated as the percentage of the total weight of the preparation in the form in which it is intended to be supplied;
- (b) it contains a substance which is classified as toxic in Part III of the approved list and the concentration of that substance is within the harmful range specified for that substance in that Part;
- (c) it contains a substance which is classified as harmful in Part III of the approved list and the concentration of that substance is equal to or greater than the harmful concentration specified for that substance in that Part;
- (d) it contains one or more substances which, although not classified as toxic or harmful in Part II or III of the approved list, are classified as harmful in Part IA of that list and the total concentration of such substances exceeds 10 per cent. of the total weight of the preparation, but no account shall be taken of any such substance unless its concentration exceeds 1 per cent. of the total weight of the preparation.

Classification as corrosive

5. A preparation to which this Schedule applies shall be classified as corrosive if—

- (a) it contains a solvent or mixture of solvents classified as corrosive when determined by the method set out in paragraph 5 of Schedule 4, except that the concentration of each component of the solvent shall be calculated as the percentage of the total weight of the preparation in the form in which it is intended to be supplied;
- (b) it contains a substance which is classified as corrosive in Part III of the approved list and the concentration of that substance exceeds the corrosive concentration specified for that substance in that Part;

- (c) it contains one or more substances which, although not classified as corrosive in Part II or III of the approved list, are classified as corrosive in Part IA of that list and the total concentration of such substances exceeds 5 per cent. of the total weight of the preparation, but no account shall be taken of any such substance unless its concentration exceeds 1 per cent. of the total weight of the preparation.

Classification as irritant

6. A preparation to which this Schedule applies shall be classified as irritant if—
- (a) it contains a solvent or mixture of solvents classified as irritant when determined by the method set out in paragraph 6 of Schedule 4 except that the concentration of each component of the solvent shall be calculated as the percentage of the total weight of the preparation in the form in which it is intended to be supplied;
 - (b) it contains a substance which is classified as corrosive in Part III of the approved list and the concentration of that substance is within the irritant range specified for that substance in that Part;
 - (c) it contains a substance which is classified as irritant in Part III of the approved list and the concentration of that substance is equal to or greater than the irritant concentration specified for that substance in that Part; or
 - (d) it contains one or more substances which, although not classified as irritant in Part II or III of the approved list, are classified as irritant in Part IA of that list and the total concentration of such substances exceeds 5 per cent. of the total weight of the preparation, but no account shall be taken of any such substance unless its concentration exceeds 2 per cent. of the total weight of the preparation.

Classification as oxidizing

7. A preparation to which this Schedule applies shall be classified as oxidizing if—
- (a) it contains a substance which is classified as oxidizing in Part III of the approved list and the concentration of that substance exceeds the oxidizing concentration specified for that substance in that Part; or
 - (b) it contains one or more substances which, although not classified as oxidizing in Part III of the approved list, are classified as oxidizing in Part IA of that list and the total concentration of such substances exceeds 25 per cent. of the total weight of the preparation, but no account shall be taken of any such substance unless its concentration exceeds 2 per cent. of the total weight of the preparation.

Classification as extremely flammable, highly flammable or flammable

8. A liquid preparation to which this Schedule applies which is extremely flammable, highly flammable or flammable shall be classified in accordance with the provisions of regulation 5(5).

SCHEDULE 6

Regulations 8 and 12(1)

Particulars to be shown on labels required by regulation 8

PART I

*General provisions relating to the particulars to be shown**Provisions relating to the designation and naming of certain substances*

1. The provisions of paragraphs 2 to 6 shall have effect subject to the provisions of Part III to designate substances dangerous for supply for the purpose of regulation 8(2)(b)(i).

Designation of substances other than preparations

2.—(1) A substance other than a preparation shall be designated—

- (a) where the substance is listed in Part IA of the approved list as dangerous for supply, by the name of the substance, being one of the names by which it is described in that Part;
- (b) where the substance is not so listed in Part IA of the approved list, by the chemical name or accepted common name of the substance,

and where in paragraphs 3 to 6 a substance is required to be named, sub-paragraphs (a) and (b) shall apply to the naming of that substance.

(2) Where a substance mentioned in Part II or Part III of the approved list is required by the provisions of this Schedule to be named, that name or any other name by which the substance is designated in Part IA of that list for the purpose of supply may be used for naming that substance.

Designation of pesticides to which Schedule 3 applies and additional information required to be shown on pesticide labels

3.—(1) Subject to paragraph 2, a preparation intended for use as a pesticide which has been classified in accordance with Schedule 3 shall be designated by—

- (a) the trade name or trade designation of the preparation;
- (b) the name and concentration of each active ingredient in the preparation and the concentration thereof shall be expressed—
 - (i) in the case of pesticides which are supplied as solids, aerosols or volatile or viscous liquids, as a percentage by weight,
 - (ii) for other liquids, as a percentage by weight or as grams per litre,
 - (iii) for gases as a percentage by volume;
- (c) the names of each other ingredient which is—
 - (i) very toxic or toxic if the concentration thereof exceeds 0.2 per cent. by weight,
 - (ii) harmful or corrosive and the concentration thereof exceeds 5 per cent. by weight,
 except that in the case of a solvent, the concentration limits set out in paragraphs 4(b) and (c) shall apply.

(2) The label shall also show—

- (a) the net quantity of the preparation;
- (b) the batch number; and
- (c) in the case of very toxic, toxic or harmful preparations, an indication that the container must not be re-used except in the case of containers which are specifically designed for re-use, recharging or refilling by the supplier of the substance.

Designation of solvents to which Schedule 4 applies

4.—(1) Subject to paragraph 2, a solvent preparation which has been classified in accordance with the provisions of Schedule 4 shall be designated as follows—

- (a) the trade name or trade designation of the preparation;
- (b) the name of any very toxic or toxic substance mentioned in Part II of the approved list present in the preparation at a concentration of more than 0.2 per cent., and the percentage concentration of each such substance or an indication of the range, within the following ranges, in which that concentration falls:—

- (i) less than or equal to 1 per cent.,
- (ii) more than 1 per cent. to less than or equal to 5 per cent.,
- (iii) more than 5 per cent. to less than or equal to 20 per cent.,
- (iv) more than 20 per cent. to less than or equal to 50 per cent.,
- (v) more than 50 per cent.,

except that very toxic or toxic substances need not be named if the preparation itself is not classified as toxic or harmful;

- (c) the name of any harmful substance mentioned in Part II of the approved list if the concentration of that substance in the preparation exceeds the following concentration—

- (i) in the case of substances of class II/a, 3 per cent.,
- (ii) in the case of substances of class II/b, 6 per cent.,
- (iii) in the case of substances of class II/c, 10 per cent.,
- (iv) in the case of substances of class II/d, 20 per cent.,

except that harmful substances shall not be required to be named if the preparation is not classified as toxic or harmful;

- (d) the name of any corrosive substance mentioned in Part II of the approved list if the concentration of that substance exceeds the lowest concentration specified for that substance in that Part;

- (e) where the preparation contains a substance classified as irritant in Part II of the approved list and the concentration of that substance exceeds the concentration specified for that substance in that Part, that substance shall be named or the preparation shall be designated by the words "irritant solvents", unless either—

- (i) the risk phrases specified for the substance in column 3 of Part IA of the approved list include any of the phrases numbered 42, 43 or 42/43, when the substance shall be named, or
- (ii) the preparation is classified as corrosive, when this sub-paragraph shall not apply.

(2) The names of constituents need not be stated if the preparation is classified only as highly flammable or flammable.

Designation of paints, varnishes, printing inks, adhesives and similar products

5.—(1) Subject to paragraph 2, a paint, varnish, printing ink, adhesive or similar product which has been classified in accordance with the provisions of Schedule 5 shall be designated by—

- (a) the trade name or trade designation of the preparation;
- (b) the name of any very toxic, toxic, harmful or corrosive substance, other than a solvent, which either alone or in combination exceeds the relevant limits specified in Schedule 5;
- (c) the name of any irritant substance, other than a solvent, which either alone or in combination exceeds the relevant limit specified in Schedule 5, except that no such irritant substance need be named if the preparation contains any very toxic, toxic, harmful or corrosive substance which has been named in accordance with sub-paragraph (b);
- (d) the name of any very toxic or toxic solvent of which more than 0.2 per cent. is present in the preparation;
- (e) the name of any harmful, corrosive or irritant solvent in accordance with paragraph 4, except that a concentration of such solvent shall be related to the total weight of the preparation and not to the weight of the solvent fraction.

(2) The names of constituents need not be stated if the preparation is classified only as extremely flammable, highly flammable or flammable.

Designation of other preparations

6. Any other preparation shall be designated by—

- (a) the trade name or trade designation of the preparation;

- (b) the name of any substance in the preparation which significantly contributes to the characteristic properties of the preparation except that—
- (i) in the case of a preparation which is classified as very toxic, toxic, harmful or corrosive the names of any irritant substances need not appear,
 - (ii) in the case of a preparation which is classified as extremely flammable, highly flammable or flammable, the name of any substance which is only so classified need not appear,
- and if the trade name or trade designation does not make it clear that the dangerous substance is a preparation, the list of names required by this sub-paragraph shall be preceded by the word "Contains".

The indication of general nature of risk

7.—(1) The indication of general nature of risk and the corresponding symbol (if any) shall for the purpose of regulation 8(2)(b)(ii) be ascertained as follows—

- (a) in the case of a substance which is listed in Part IA of the approved list, the indication shall be that specified or if more than one is specified, those specified in the appropriate entry in column 2 of that Part;
- (b) in any other case, the indication shall be that specified in column 2 of Part I of Schedule 1 as corresponding to the characteristic property of the substance specified in column 1 of that Part and, subject to sub-paragraph (2), if the substance has more than one characteristic property specified in column 1 of that Schedule, the general indications of risk specified in the corresponding entries in column 2.

(2) Except in the case of a substance listed in Part IA of the approved list as dangerous for supply, where a substance has been classified into more than one of the classes of general indication of nature of risk in either of the following groups:—

- (a) explosive, oxidizing, extremely flammable, highly flammable and flammable; or
- (b) very toxic, toxic, corrosive, harmful or irritant,

only one of the general indications of risk from each group, being the one which most accurately describes the nature of the danger created by the substance, need be shown, and in particular—

- (i) a substance which is required to show the words and symbol indicating that it is very toxic or toxic need not also show the words and symbol for harmful, corrosive or irritant if it would otherwise be required to show that symbol;
- (ii) a substance which is required to show the words and symbol indicating that it is explosive need not also show the words and symbol for extremely flammable or highly flammable or oxidizing if it would otherwise be required to show that symbol;
- (iii) a substance which is required to show the words and symbol indicating that it is corrosive need not also show the words and symbol for harmful or irritant if it would otherwise be required to show that symbol;
- (iv) a preparation classified in accordance with Schedule 4 (solvents) or in accordance with Schedule 5 (paints, varnishes, printing inks, adhesives and similar products) which is required to show the word and symbol indicating that it is harmful need not show the word and symbol for irritant if it would otherwise be required to show that symbol.

The risk phrases

8.—(1) The risk phrases shall be ascertained for the purpose of regulation 8(2)(b)(iii) as follows:—

- (a) in the case of a substance which is listed in Part IA of the approved list, the risk phrases specified in the appropriate entry in column 3 of that Part;
- (b) in any other case, such risk phrases selected from those listed in Part IV of the approved list as are appropriate having regard to the characteristic properties and classification of the substance.

(2) The risk phrases "extremely flammable", "highly flammable" or "flammable" need not be shown where they repeat the wording of the indication of general nature of risk required by paragraph 7.

The safety phrases

9. The safety phrases shall be ascertained for the purpose of regulation 8(2)(b)(iv) as follows:—

- (a) in the case of a substance which is listed in Part IA of the approved list, the safety phrases specified in the appropriate entry in column 4 of that Part;
- (b) in any other case, such safety phrases selected from those listed in Part V of the approved list as are appropriate having regard to the characteristic properties and classification of the substance;

except that in the case of a preparation intended for use as a pesticide and classified in accordance with the provisions of Schedule 3 the following safety phrases shall be specified—

- (i) in the case of preparations classified as very toxic or toxic, the safety phrases numbered 2, 13, 20/21 and 45 in Part V of the approved list;
- (ii) in the case of preparations classified as harmful, the safety phrases numbered 2, 13, 20/21 and 44 in Part V of the approved list;
- (iii) in the case of preparations classified as corrosive, the safety phrases numbered 2, 13, 20/21, 28 and 37/39 in Part V of the approved list;
- (iv) in the case of preparations classified as irritant, the safety phrases numbered 2, 13 and 20/21 in Part V of the approved list;
- (v) in the case of preparations containing phosphoric acid esters, additionally the safety phrase numbered 28 in Part V of the approved list, and also as appropriate the safety phrases numbered 22, 23, 27, 36, 37 and 42 in Part V of the approved list.

PART II

*Additional labelling provisions relating to certain preparations**Application of this Part*

10.—(1) The following paragraphs in this Part shall apply for the labelling of the preparations specified herein whether or not such preparations have been otherwise classified as dangerous substances.

(2) The provisions of this Part shall be in addition to and not in substitution for any other labelling requirement imposed by these Regulations or by or under any other enactment.

Labelling of lead paints

11. A receptacle which contains a paint or varnish containing more than 0.5 per cent. of lead, expressed as weight of lead in the total weight of the preparation, shall carry one of the following statements—

- (a) if the receptacle contains 125 millilitres or more of the paint or varnish — “Contains lead. Should not be used on surfaces liable to be chewed or sucked by children”; or
- (b) if the receptacle contains less than 125 millilitres of the paint or varnish, it may be — “Warning. Contains lead”.

Labelling of cyanoacrylate-based adhesives

12. A receptacle which contains a cyanoacrylate-based adhesive shall—

- (a) bear the following inscription:—

“Cyanoacrylate

Danger

Bonds skin and eyes in seconds

Keep out of reach of children”; and

- (b) be accompanied by full advice on safety.

Labelling of paints, varnishes, printing inks, adhesives and similar products intended to be sprayed

13. A receptacle which contains a paint, varnish, printing ink, adhesive or similar product which is a dangerous substance when classified in accordance with Schedule 5 and which is intended to be sprayed shall include on the label—

- (a) “do not breathe gas/fumes/vapour/spray” (appropriate wording to be specified by the manufacturer); and
- (b) “in case of insufficient ventilation, wear suitable respiratory equipment”.

Preparations containing isocyanates

14. A receptacle which contains a preparation containing isocyanates (whether as monomers, oligomers, prepolymers etc. or mixtures thereof) shall include on the label—

- (a) “contain isocyanates”; and
- (b) “see information supplied by the manufacturer”.

Risk phrases to be shown on preparations containing sensitisers

15. Where a dangerous preparation to which this Schedule applies contains a substance which is listed in Part III of the approved list and that substance is also listed in Part IA of that list and any of the risk phrases numbered 42, 43 or 42/43 is shown in column 3 of that Part as being appropriate for the substance, the label shall also show the same risk phrase if the concentration of the substance in the preparation exceeds the lowest concentration specified for that substance in Part III of the approved list.

PART III

Special provisions relating to certain substances included in Part IA of the approved list

Substances included under a general designation

16.—(1) A name mentioned in sub-paragraph (2) shall be used for the various compounds (other than isomers) included in Part IA of the approved list under a general designation, including—

- (a) compounds, inorganic compounds, organic compounds, salts, salts and esters, soluble salts or alkali salts;
- (b) a substance and its compounds or its salts;
- (c) aluminium, magnesium, lead or zinc alkyls (where the alkyl group may contain from 1 to 5 carbon atoms); alkali methoxides or ethoxides; fluorosilicates or fluoroacetates; and
- (d) pesticide ions such as chlormequat, chlorphonium, diquat, morfamquat or paraquat.

(2) The name shall be either—

- (a) a name corresponding to the chemical formula of the substance; or
- (b) a name by which it is known in common usage.

(3) When a substance is included in Part IA of the approved list under more than one of the general designations—

- (a) the classification required by regulation 5(2) is that indicating the higher risk, and for this purpose very toxic is a higher risk than toxic, toxic is a higher risk than harmful and corrosive is a higher risk than irritant;
- (b) the indication or indications of general nature of risk required by regulation 8(2)(b)(ii) shall correspond to the classification adopted at (a);
- (c) the risk phrases required by regulation 8(2)(b)(iii) shall correspond to the classification adopted at (a); and
- (d) the safety phrases required by regulation 8(2)(b)(iv) shall correspond to the classification adopted at (a).

Aqueous solutions

17.—(1) The name to be used for a substance included in Part IA of the approved list as an aqueous solution in a concentration range shall be the name indicated in that Part except that the

concentration range shall be replaced by the actual or nominal concentration of the substance in solution as ascertained in accordance with sub-paragraph (2).

(2) The actual or nominal concentration shall be—

- (a) calculated on a weight to weight basis and then expressed as a percentage on the label as part of the name; or
- (b) determined from other data in which case the method of determination must be specified on the label in a manner in common usage; or
- (c) expressed by a descriptive phrase in common usage.

Isomers

18. The name to be used for a substance included in Part IA of the approved list under a general designation which may exist in more than one isomeric form shall in the case of—

- (a) a specific isomer, conform with common usage;
- (b) a mixture of isomers, be the general designation given in Part IA of the approved list followed by the words "mixture of isomers".

Petroleum distillates

19. Petroleum distillates included under a general designation in Part IA of the approved list and not otherwise specified in that Part may be named by a descriptive phrase in common usage.

Sodium and potassium metal

20. When sodium or potassium metal is in a receptacle which obviates the need for that substance to be kept under a suitable liquid, the safety phrase numbered 5 in Part V of the approved list need not be used.

Unstable substances

21. Where a substance, being a substance which is liable to spontaneous polymerisation or decomposition is specified in Part IA of the approved list and following that name reference is made to this paragraph by the note "(see Schedule 6.21)", the word "non-stabilized" shall follow the name of the substance unless that substance has been suitably stabilized against such polymerisation or, as the case may be, such decomposition.

Special provisions relating to safety phrases

22. Where a substance, being a substance named in Part IA of the approved list or included in that Part under a general designation, may be supplied in either solid or liquid form and following that name reference is made to this paragraph by the note "(see Schedule 6.22)", the safety phrase numbered 22 shall be required for that substance only if appropriate.

SCHEDULE 7

*Particulars to be shown on labels required by regulation 9**Provisions relating to the designation and naming of substances dangerous for conveyance*

1. The provisions of paragraphs 2 to 6 shall have effect to designate substances classified as dangerous for conveyance for the purposes of regulation 9(2)(b)(i).

Designation of substances other than preparations

2. A substance other than a preparation shall be designated—

(a) where the substance is listed in Part IA of the approved list, whether as dangerous for supply or as dangerous for conveyance, by the name being one of the names by which it is described in that Part;

(b) where the substance is not listed in Part IA of the approved list, by the chemical name or accepted common name of the substance,

and where in paragraphs 4 to 6 a substance is required to be named, sub-paragraphs (a) and (b) shall apply to the naming of that substance.

Designation of hazardous wastes

3. Notwithstanding paragraph 2(a), in the case of a hazardous waste, the entry in Part IA of the approved list most fully and accurately describing the properties of that waste shall be selected for the purposes of its designation.

Designation of articles listed in Part IC of the approved list

4. An article which is described in column 1 of Part IC of the approved list shall be appropriately designated in the terms of that description.

Designation of preparations

5. A dangerous substance not listed in Part IA of the approved list and which is a preparation shall be designated by—

(a) the trade name or trade designation of the preparation; and

(b) the description of the preparation which shall be either—

(i) a group name where this indicates the nature of the preparation, or

(ii) the word “contains” after which the name of any substance which is a component of the preparation and significantly contributes to its characteristic properties shall be given.

Designation of substances in packages containing two or more receptacles

6. Where a package which is required to be labelled as dangerous for conveyance contains two or more substances which are dangerous for conveyance, those substances shall be designated either by—

(a) the name of each such substance ascertained in accordance with paragraphs 2 to 5; or

(b) a description which indicates the nature of those substances.

Substance identification number

7. Except where the package contains two or more different substances dangerous for conveyance when no substance identification numbers need be shown, the substance identification number shall be ascertained for the purposes of regulation 9(2)(b)(ii) as follows:—

(a) in the case of a substance which is listed in Part IA of the approved list, the number shall be that specified in the appropriate entry in column 5 of that Part;

(b) in the case of any other substance, the number shall be that, if any, specified in column 5 of Part IB of the approved list as corresponding to:

(i) the most relevant general description for that substance specified in column 1 of that Part, and

(ii) the classification determined in accordance with regulation 6 and specified in column 6 of that Part; or

- (c) in the case of an article which is listed in Part IC of the approved list, the number shall be that specified in the appropriate entry in column 5 of that Part.

The hazard warning sign

8. The hazard warning sign shall be ascertained for the purpose of regulation 9(2)(b)(iii) as follows—

- (a) in the case of a substance which is listed in Part IA of the approved list, the hazard warning sign shall be that specified in the appropriate entry in column 6 of that Part;
- (b) in the case of any other substance, the hazard warning sign shall be that specified in column 3 of Part I of Schedule 2 as corresponding to the characteristic property of the substance specified in the appropriate entry in column 1 of that Part, determined in accordance with the provisions of regulation 6;
- (c) in the case of an article which is listed in Part IC of the approved list, the hazard warning sign shall be that specified in the appropriate entry in column 6 of that Part;
- (d) in the case of packages containing two or more substances in separate receptacles, the hazard warning sign shall be—
- (i) if all the substances are classified as having the same hazard warning sign, that sign, or
- (ii) if all such substances do not have the same classification, either signs corresponding to each classification or the sign for mixed hazards.

Other particulars in the case of packages containing two or more substances in separate receptacles

9. Where a package contains more than one substance which is dangerous for conveyance, regulation 9(2)(a) and (c) shall apply in respect of each substance as in the case where a package contains a single substance.

SCHEDULE 8

Regulation 16(1), (4) and (6)

Regulations modified by regulation 16(4)

<i>Title of Regulations</i>	<i>Reference</i>
The Petroleum-Spirit (Conveyance by Road) Regulations (Northern Ireland) 1971.	S.R. & O. (N.I.) 1971 No. 143.
The Carbon Disulphide (Conveyance by Road) Regulations (Northern Ireland) 1970.	S.R. & O. (N.I.) 1970 No. 249.
The Corrosive Substances (Conveyance by Road) Regulations (Northern Ireland) 1973.	S.R. & O. (N.I.) 1973 No. 469.
The Inflammable Liquids (Conveyance by Road) Regulations (Northern Ireland) 1973.	S.R. & O. (N.I.) 1973 No. 470.
The Inflammable Substances (Conveyance by Road) (Labelling) Regulations (Northern Ireland) 1973.	S.R. & O. (N.I.) 1973 No. 471.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations implement as respects Northern Ireland the provisions of the following Directives:—

- (a) Council Directive 79/831/EEC (O.J. No. L259, 15.10.79, p. 10) amending for the sixth time Council Directive 67/548/EEC (O.J. No. 196, 16.8.67, p. 1 (O.J./S.E. 1967, p. 234)) in so far as the provisions of these Directives relate to the classification, packaging and labelling of dangerous substances;
- (b) Council Directive 78/631/EEC (O.J. No. L206, 29.7.78, p. 13) on the classification, packaging and labelling of dangerous substances (pesticides);
- (c) Council Directive 80/781/EEC (O.J. No. L229, 30.8.80, p. 57) amending Council Directive 73/173/EEC (O.J. No. L189, 11.7.73, p. 7) on the classification, packaging and labelling of dangerous preparations (solvents); and
- (d) Council Directive 83/265/EEC (O.J. No. L147, 6.6.83, p. 11) amending Council Directive 77/728/EEC (O.J. No. L303, 28.11.77, p. 23) on the classification, packaging and labelling of paints, varnishes, printing inks, adhesives and similar products.

2. These Regulations revoke and re-enact with minor modifications the Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1981 (as amended) (“the 1981 Regulations”) and extend their provisions to the supply of all dangerous substances (including preparations). The Regulations also provide for the classification, packaging and labelling of dangerous substances which are conveyed by road in packages.

3. Subject to the exceptions contained in regulation 3, substances are—

- (a) dangerous for supply if they are so specified in Part IA of the list entitled “Information Approved for the Classification, Packaging and Labelling of Dangerous Substances” published by the Health and Safety Commission in Gt. Britain and adapted by the Department of Economic Development and further described in regulation 4 (“the approved list”) or are substances which have characteristic properties described in Schedule 1; and
- (b) dangerous for conveyance if they are so specified in Part IA of the approved list or have characteristic properties described in Schedule 2.

4. For the purposes of labelling for supply, rules for the classification of substances are set out in regulation 5 and special rules apply to preparations intended to be used—

- (a) as pesticides (Schedule 3);
- (b) exclusively as solvents (Schedule 4); and
- (c) exclusively as or exclusively in paints, varnishes, printing inks, adhesives and similar products (Schedule 5).

5. For the purposes of labelling for conveyance by road, rules for the classification of substances are set out in regulation 6.

6. The Regulations impose requirements in respect of the packages in which dangerous substances are supplied or conveyed by road (regulation 7); in respect of the particulars to be shown on labels where dangerous substances are supplied (regulation 8 and Schedule 6), or conveyed by road (regulation 9 and Schedule 7); and in respect of the method by which the packages are to be marked or labelled (regulation 13).

7. Certain derogations are permitted from the labelling requirements otherwise applicable where a substance is both supplied and conveyed by road (regulation 10) and in relation to certain international transport rules (regulation 11).

8. The Regulations also make provision for enforcement (regulation 15) and contain a transitional provision which allow substances which are labelled in accordance with the 1981 Regulations to be supplied, or, in accordance with the Regulations specified in Schedule 8, to be conveyed by road, until 1st January 1986 and additional provision is made under certain circumstances in relation to small packages until 1st January 1987 (regulation 16).

9. Copies of relevant documents may be obtained as follows—

- (a) the approved list, the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) and the Report of the Department of Trade's Standing Advisory Committee on the Carriage of Dangerous Goods in Ships, from Her Majesty's Stationery Office, Chichester Street, Belfast;
- (b) the Pesticides Safety Precautions Scheme from the Department of Agriculture, Dundonald House, Upper Newtownards Road, Belfast BT4 3SB;
- (c) the International Maritime Dangerous Goods Code, from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR;
- (d) the Technical Instructions for the Safe Transport of Dangerous Goods by Air, from International Aeradio Limited, Aeradio House, Hayes Road, Southall, Middlesex UB2 5NG; and
- (e) the standards mentioned in Part IV of Schedule 1 and Part III of Schedule 2, from the British Standards Institution, Linford Wood, Milton Keynes, MK14 6LE.