

1988 No. 288

HEALTH AND SAFETY

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

Made 9th August 1988

Coming into operation 12th September 1988

The Department of Agriculture, the Department of Economic Development, the Department of the Environment and the Department of Health and Social Services being departments designated by the European Communities (Designation) Order 1976(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the regulation and control of classification, packaging and labelling of dangerous substances and preparations, acting jointly in exercise of the powers conferred on them by the said section 2(2) and acting jointly as the Department concerned(c) in exercise of the powers conferred by Articles 17(1), (4) and (6) and 55(2) of the Health and Safety at Work (Northern Ireland) Order 1978(d) and of every other power enabling them in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to them to be appropriate, hereby make the following Regulations:—

Citation, commencement and interpretation

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

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

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

Amendments to the principal Regulations

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

(a) S.I. 1976/897

(b) 1972 c. 68

(c) See Article 2(2) of S.I. 1978/1039 (N.I. 9)

(d) S.I. 1978/1039 (N.I. 9)

(e) S.R. 1985 No. 81

(f) 1954 c. 33 (N.I.)

3. In regulation 4—

- (a) after ‘entitled ‘‘Information Approved for the Classification, Packaging and Labelling of Dangerous Substances’’ ’ there shall be inserted ‘as revised by the document published by the Department on 10th April 1986 entitled ‘‘Revision No. 1 to the Approved List (Information Approved for the Classification, Packaging and Labelling of Dangerous Substances) incorporating information approved for the conveyance by road of dangerous substances in packages etc.’’ ’;
- (b) in sub-paragraphs (a)(ii) and (b) for the semi-colon in each case there shall be substituted ‘‘and in certain cases a packaging group number and a subsidiary risk,’’;
- (c) in sub-paragraph (f) after the semi-colon at the end there shall be deleted ‘‘and’’;
- (d) in sub-paragraph (g) for the comma there shall be substituted ‘‘; and’’;
- (e) after sub-paragraph (g) there shall be inserted—
 - ‘‘(h) in Part VI a list of substances dangerous for supply for which the Department has approved a conventional LD50 value for the purpose of Schedule 3 (classification of pesticides),’’.

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

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

Transitional provision

6.—(1) Subject to regulation 16 of the principal Regulations and paragraph (2), where the Department of Economic Development has approved a revision to the approved list, that revision shall not come into effect for the purposes of those Regulations until 12th March 1989 but until that date a supplier or consignor may classify and label a substance to which the revision relates in accordance with that revision.

(2) Until 11th September 1989 in any proceedings for an offence under the principal Regulations consisting of supplying or conveying by road a dangerous substance in a receptacle or package with a capacity of 25 litres or less, which does not comply with the requirements of those Regulations, it shall be a defence for the person charged to prove—

- (a) that if the substance had been supplied or had been conveyed by road before 12th September 1988 no offence would have been committed;
- (b) that the substance was packaged and labelled before 12th September 1988 and had not been removed from the receptacle or the package after that date; and

(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.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 9th August 1988.

(L.S.)

I. C. Henderson

Assistant Secretary

Sealed with the Official Seal of the Department of Economic Development on 9th August 1988.

(L.S.)

Suzanna Cooper

Assistant Secretary

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 9th August 1988.

(L.S.)

Trevor Pearson

Assistant Secretary

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 9th August 1988.

(L.S.)

Zelma I. Davies

Under Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985 ("the principal Regulations") to give effect to a revision of the approved list described in regulation 4 of those Regulations. This revision provides additional entries relating to substances which are dangerous for supply within the meaning of the principal Regulations and amend other such entries. It also provides conventional toxicity values for use in classifying pesticides in accordance with Schedule 3 to the principal Regulations.

In addition the revision incorporates in the approved list information approved by the Department of Economic Development for the proposed Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations (Northern Ireland). The amendments give effect in Northern Ireland to the provisions of—

- (a) Commission Directive 83/467/EEC (O.J. No. L257, 16.9.83, p. 1) adapting to technical progress for the fifth time Council Directive 67/548/EEC (O.J. No. L196, 16.8.67, p. 1) (O.J./S.E. 1967, p. 234) on the classification, packaging and labelling of dangerous substances; and
- (b) Commission Directive 84/291/EEC (O.J. No. L144, 30.5.84, p. 1) adapting Council Directive 78/631/EEC (O.J. No. L206, 29.7.78, p. 13) on the classification, packaging and labelling of dangerous preparations (pesticides).

Regulation 6 contains a transitional provision which allows substances which are labelled in accordance with the approved list in its unrevised form to be supplied until 12th March 1989 and additional provision is made under certain circumstances in relation to small packages until 11th September 1989.

Copies of the approved list which was published by the Health and Safety Commission on 10th October 1986 and adapted by the Department of Economic Development entitled:

“Revision No. 1 to the Approved List (Information Approved for the Classification, Packaging and Labelling of Dangerous Substances) incorporating information approved for the carriage by road of dangerous substances in packages etc.” (ISBN 0 11 883888 1)

are obtainable from Her Majesty’s Stationery Office, 80 Chichester Street, Belfast BT1 4JY.

Codes of Practice approved by the Health and Safety Agency for Northern Ireland under Article 18(1) of the Health and Safety at Work (Northern Ireland) Order 1978 will be published and will give guidance on the Regulations. These Codes of Practice may be obtained from Her Majesty’s Stationery Office, 80 Chichester Street, Belfast BT1 4JY.