

## 1989 No. 182

## HEALTH AND SAFETY

**Classification, Packaging and Labelling of  
Dangerous Substances (Amendment) Regulations  
(Northern Ireland) 1989**

*Made* . . . . . 17th May 1989

*Coming into operation* . . . . . 3rd July 1989

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 and commencement*

1.—(1) These Regulations may be cited as the Classification, Packaging and Labelling of Dangerous Substances (Amendment) Regulations (Northern Ireland) 1989 and shall come into operation on 3rd July 1989.

*Interpretation*

2.—(1) In these Regulations—

“the Health and Safety Commission” means the Health and Safety Commission established under section 10 of the Health and Safety at Work etc. Act 1974(e);

“the principal Regulations” means the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985(f);

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

(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) to which there are amendments not relevant to these Regulations

(e) 1974 c. 37

(f) S.R. 1985 No. 81, amended by S.R. 1988 No. 288

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

*Amendments to the principal Regulations*

3. The principal Regulations shall be amended as provided in regulations 4 to 14.

4. In regulation 3(1)(f) for “regulation 2(1) of the Cosmetic Products Regulations (Northern Ireland) 1978” there shall be substituted “regulation 4(1) of the Cosmetic Products (Safety) Regulations 1984 (S.I. 1984 No. 1260)”.

5. In regulation 3(2)(d) for “approved for safety under the Pesticides Safety Precautions Scheme” there shall be substituted “approved under the Food and Environment Protection Act 1985 (c. 48)”.

6. In regulation 3(3)(c) after “Annex A” there shall be inserted “or Annex B or both”.

7. In regulation 4—

(a) for the words from “the list published” to “in packages etc.” there shall be substituted “the list published by the Health and Safety Commission on 22nd April 1988 and approved by the Department on 15th May 1989 entitled “Information Approved for the Classification, Packaging and Labelling of Dangerous Substances (2nd Edition)””;

(b) in sub-paragraphs (a)(ii) and (b) for “packaging group number and a subsidiary risk” there shall be substituted “packing group number and an indication of subsidiary risk”;

(c) in sub-paragraph (g) after the semi-colon there shall be deleted “and”;

(d) in sub-paragraph (h) for the comma there shall be substituted “; and”;

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

“(i) in Part VII a list of the changes made to the previous edition of the approved list (as revised),”.

8. In regulation 8(3) there shall be deleted the comma after “given” and the words from “but this shall” to the end of the paragraph.

9. In regulation 8(9) for “approved for safety under the Pesticides Safety Precautions Scheme” there shall be substituted “approved under the Food and Environment Protection Act 1985 (c. 48)”.

10. In regulation 16, paragraphs (1) and (2) are hereby revoked.

11. In Schedule 1, Part IV, sub-paragraph (b)(i) of paragraph 6 is hereby revoked.

12. In Schedule 2, Part II, after paragraph 1 there shall be inserted—

“1A. The words shown within the hazard warning sign may be omitted but in such a case those words shall be shown on the package or label adjacent to the sign.”.

13. In Schedule 2, Part III, paragraph 4(e)—

- (a) for “ISO 2431-1980” there shall be substituted “ISO 2431-1984”; and
- (b) for “BS 3900: Part A6-1983” there shall be substituted “BS 3900: Part A6-1986”.

14. In Schedule 6—

- (a) in Part I, paragraph 2(1)(b) there shall be substituted “internationally recognised name” for “accepted common name”;
- (b) in Part II, paragraph 11—
  - (i) for “0.5 per cent” there shall be substituted “0.25 per cent”; and
  - (ii) after “preparation” there shall be inserted “as determined in accordance with the International Standards Organisation Standard ISO 6503-1984”;
- (c) after paragraph 22, Part III there shall be inserted—

*‘Special provisions relating to risk phrases*

23. Where a substance is specified as a carcinogen, mutagen or teratogen by the use of the risk phrase R45, R46 or R47 respectively in Part IA of the approved list and following the name of the substance reference is made to this paragraph by the note “(see Schedule 6.23)”, those risk phrases, or any of them, shall precede any risk phrase numbered 20 to 28 or any combination of those phrases and in such a case the risk phrases numbered 20 to 28 or combinations of them shall be preceded by the word “also”.

15. Regulation 4 of the principal Regulations as it will have effect after the coming into operation of regulation 3 is set out in the Schedule.

*Transitional provision*

16.—(1) Subject to the following paragraphs, where the Department has approved a revision to the approved list to which this paragraph relates, that revision shall not come into effect for the purposes of the principal Regulations until 3rd January 1990 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) Paragraph 1 shall relate to the revisions to the approved list introduced by the document approved by the Department on 15th May 1989 entitled “Information Approved for the Classification, Packaging and Labelling of Dangerous Substances (2nd Edition)” and there set out in Part VII.

(3) Until 3rd July 1990 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, as the case may be, had been conveyed by road before 3rd July 1989 no offence would have been committed;

- (b) that the substance was packaged and labelled before 3rd July 1989 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.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 16th May 1989.

(L.S.)

*I. C. Henderson*

Assistant Secretary

Sealed with the Official Seal of the Department of Economic Development on 15th May 1989.

(L.S.)

*R. J. Minnis*

Assistant Secretary

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 16th May 1989.

(L.S.)

*Trevor Pearson*

Assistant Secretary

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 17th May 1989.

(L.S.)

*R. McMurray*

Assistant Secretary

**Regulation 4 of the Principal Regulations as amended***Meaning of approved list*

4. In these Regulations, “approved list” means the list published by the Health and Safety Commission on 22nd April 1988 and approved by the Department on 15th May 1989 entitled “Information Approved for the Classification, Packaging and Labelling of Dangerous Substances (2nd Edition)” 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 and in certain cases a packing group number and an indication of subsidiary risk;

(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 and in certain cases a packing group number and an indication of subsidiary risk;

(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;

(g) in Part V a list of the safety phrases which the Department has approved for use with dangerous substances;

(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); and

(i) in Part VII a list of the changes made to the previous edition of the approved list (as revised),

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

## 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 with respect to Northern Ireland to the provisions of—

- (a) Commission Directive 86/431/EEC (O.J. No. L247, 1.9.86, p. 1) adapting to technical progress for the seventh time Council Directive 67/548/EEC (O.J. No. L196, 16.8.67, p. 1) (O.J./S.E. 197, p. 234) on the classification, packaging and labelling of dangerous substances; and
- (b) Commission Directive 86/508/EEC (O.J. No. L295, 18.10.86, p. 31) adapting to technical progress for the second time 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.

This is achieved in part by the re-issue as a second edition of the approved list described in regulation 4 of the principal Regulations and additionally by amendments to those Regulations.

The re-issue of the approved list provides for additional entries relating to substances which are dangerous for supply within the meaning of the principal Regulations and amends such other entries. The changes from the first edition are summarised in Part VII of the second edition.

In addition to the changes to regulation 4 which result from the issue of a second edition of the approved list certain other minor amendments have been made to give effect to the provisions of the Directives or to bring up to date references in the principal Regulations to other legislation or publications. In particular the voluntary approval for safety of pesticides under the Pesticides Safety Precautions Scheme has been replaced by statutory approval under the Food and Environment Protection Act 1985 and as a consequence of Directive 86/508/EEC the lead concentration in paints at which a warning notice is required has been reduced from 0.5% to 0.25%.

Regulation 4 of the principal Regulations as amended is set out in full in the Schedule. Regulation 16 contains a transitional provision which allows substances which are labelled in accordance with the first edition of the approved list to be supplied until 3rd January 1990 and additional provision is made under certain circumstances in relation to small packages until 3rd July 1990.

Copies of the approved list which was published by the Health and Safety Commission on 22nd April 1988 and adapted by the Department of Economic Development entitled:

“Information approved for the Classification, Packaging and Labelling of Dangerous Substances (2nd Edition)”  
(ISBN 0 11 8839012)

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