

1988 No. 766

HEALTH AND SAFETY

**The Classification, Packaging and Labelling of Dangerous
Substances (Amendment) Regulations 1988**

<i>Made - - - -</i>	<i>21st April 1988</i>
<i>Laid before Parliament</i>	<i>6th May 1988</i>
<i>Coming into force</i>	<i>27th May 1988</i>

The Secretary of State being the designated(a) Minister for the purpose 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, in the exercise of the powers conferred on him by the said section 2 and sections 15(1), (4)(a) and (6)(b) and 82(3)(a) of the Health and Safety at Work etc. Act 1974 (c) ("the 1974 Act") and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act, after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes 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 1988 and shall come into force on 27th May 1988.

(2) In these Regulations—

"the approved list" means the list described in regulation 4 of the principal Regulations;

"the principal Regulations" means the Classification, Packaging and Labelling of Dangerous Substances Regulations 1984(d).

Amendments to the principal Regulations

2.—(1) Paragraphs (1) and (2) of regulation 16 of the principal Regulations are hereby revoked.

(2) The principal Regulations shall be amended in accordance with Schedule 1 to these Regulations.

(3) Regulation 4 of the principal Regulations as it will have effect after the coming into force of paragraph (2) of this regulation is set out in Schedule 2 to these Regulations.

(a) S.I. 1976/897.

(b) 1972 c.68.

(c) 1974 c.37; sections 15 and 50 were amended by Schedule 15 of the Employment Protection Act 1975 (c.71), paragraphs 6 and 12 respectively.

(d) S.I. 1984/1244, amended by S.I. 1986/1922.

Transitional provision

3.—(1) Subject to the following paragraphs of this regulation, where the Health and Safety Commission 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 27th November 1988 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) of this regulation shall relate to the revisions to the approved list introduced by the document approved by the Health and Safety Commission on 9th February 1988 entitled "Information approved for the Classification, Packaging and Labelling of Dangerous Substances (2nd Edition)" and there set out in Part VII.

(3) Until 27th May 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, as the case may be, had been conveyed by road before 27th May 1988 no offence would have been committed;
- (b) that the substance was packaged and labelled before 27th May 1988 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.

Signed by order of the Secretary of State.

21st April 1988

Patrick Nicholls
Parliamentary Under Secretary of State,
Department of Employment

21st April 1988

John Butcher
Parliamentary Under Secretary of State,
Department of Trade and Industry

21st April 1988

Peter Bottomley
Parliamentary Under Secretary of State,
Department of Transport

**THE CLASSIFICATION, PACKAGING AND LABELLING OF
DANGEROUS SUBSTANCES REGULATIONS 1984**

AMENDMENTS

<i>Regulations and Schedules</i>	<i>Amendments</i>
1. Regulation 2(1)	For the definition of "road" substitute the following definition— "road" means— (a) as respects England and Wales, a road within the meaning of section 196(1) of the Road Traffic Act 1972 (c.20); (b) as respects Scotland, a road within the meaning of the Roads (Scotland) Act 1984 (c.54);".
2. Regulation 3(1)	In sub-paragraph (e), for "Regulation 2(1) of the Cosmetic Products Regulations 1978" substitute "Regulation 4(1) of the Cosmetic Products (Safety) Regulations 1984 (S.I. No. 1260)".
3. Regulation 3(2)	In sub-paragraph (e), for "approved for safety under the Pesticides Safety Precautions Scheme" substitute "approved under the Food and Environment Protection Act 1985 (c.48)".
4. Regulation 3(3)	In sub-paragraph (d), after "Annex A" insert "or Annex B or both".
5. Regulation 4	(a) For the words from 'the list published' to 'in packages etc' substitute 'the list approved by the Health and Safety Commission on 9 February 1988 entitled "Information Approved for the Classification, Packaging and Labelling of Dangerous Substances (2nd Edition)";'. (b) In sub-paragraph (a)(ii), for "a subsidiary risk;" substitute "an indication of subsidiary risk;". (c) In sub-paragraph (b), for "a subsidiary risk;" substitute "an indication of subsidiary risk;". (d) In sub-paragraph (g), at the end after the semi-colon delete "and". (e) In sub-paragraph (h), after the closing bracket delete the comma and at the end for the full stop substitute "; and". (f) After sub-paragraph (h), insert the following sub-paragraph— "(i) in Part VII a list of the changes made to the previous edition of the approved list (as revised);".
6. Regulation 8(3)	After "given" delete the comma and the words from "but this shall" to the end of the paragraph.
7. Regulation 8(9)	For "approved for safety under the Pesticides Safety Precautions Scheme" substitute "approved under the Food and Environment Protection Act 1985 (c.48)".
8. Schedule 1 Part IV	In paragraph 6, revoke sub-paragraphs (b)(i) and (d)(iii).
9. Schedule 2 Part II	Insert after paragraph 1 the following paragraph— "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.".

<i>Regulations and Schedules</i>	<i>Amendments</i>
10. Schedule 2 Part III	<p>In paragraph 4(e)–</p> <p>(a) for “ISO 2431 – 1980” substitute “ISO 2431 – 1984”; and</p> <p>(b) for “BS 3900: Part A6 – 1983” substitute “BS 3900: Part A6 – 1986”.</p>
11. Schedule 6 Part I	In paragraph 2(1)(b) for “accepted common name” substitute “internationally recognised name”.
12. Schedule 6 Part II	<p>In paragraph 11–</p> <p>(a) for “0.5 per cent” substitute “0.25 per cent”; and</p> <p>(b) after “of the preparation” insert “as determined in accordance with the International Standards Organisation Standard ISO 6503 – 1984”.</p>
13. Schedule 6 Part III	<p>After paragraph 22, insert the following paragraph–</p> <p><i>‘Special provisions relating to risk phrases</i></p> <p>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 1A 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”.’.</p>

REGULATION 4 OF THE PRINCIPAL REGULATIONS AS AMENDED

Meaning of approved list

4. In these Regulations, "approved list" means the list approved by the Health and Safety Commission on 9 February 1988 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 Commission 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 Commission 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 Commission 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 Commission has approved a substance identification number and a classification;

(d) in Part II a list of substances dangerous for supply for which the Commission 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 Commission 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 Commission has approved for use with dangerous substances;

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

(h) in Part VI a list of substances dangerous for supply for which the Commission 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 1984 ("the principal Regulations") to give effect with respect to Great Britain to the provisions of—

- (a) Commission Directive 86/431/EEC (OJ No. L247, 1.9.86, p.1) adapting to technical progress for the seventh time Council Directive 67/548/EEC (OJ No. 196, 16.8.67 p.1) (OJ/SE 197, p.234) on the classification, packaging and labelling of dangerous substances; and
- (b) Commission Directive 86/508/EEC (OJ No. L295 18.10.86, p.31) adapting to technical progress for the second time Council Directive 77/728/EEC (OJ No. L303, 28.11.1977, 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 other such entries. The changes from the first edition are summarised in Part VII of the second edition.

The amendments to the principal Regulations are set out in Schedule 1 to these Regulations. 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 Schedule 2 to these Regulations. Regulation 3 of these Regulations contains a transitional provision which allows substances which are labelled in accordance with the first edition of the approved list to be supplied until 27th November 1988 and additional provision is made under certain circumstances in relation to small packages until 27th May 1989.

Copies of the approved list which was published by the Health and Safety Commission on 22nd April 1988 and is entitled—

"Information approved for the Classification, Packaging and Labelling of Dangerous Substances (2nd Edition)"
(ISBN 011 8839012)

are obtainable from Her Majesty's Stationery Office.

£1.30 net

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