

1989 No. 2208

**HEALTH AND SAFETY**

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

*Made* - - - - - 27th November 1989

*Laid before Parliament* 28th November 1989

*Coming into force* 6th December 1989

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 1989 and shall come into force on 6th December 1989.

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

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

**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

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(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 16 respectively.

(d) S.I. 1984/1244, amended by S.I. 1986/1922 and 1988/766.

Regulations until 6th June 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) of this regulation shall relate to the revisions to the approved list introduced by the document approved by the Health and Safety Commission on 25th April 1989 and entitled "Revision No. 1 to the Approved List (Information Approved for the Classification, Packaging and Labelling of Dangerous Substances (2nd Edition))".

(3) In any proceedings for an offence under the principal Regulations consisting of supplying or conveying by road before 6th December 1990 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 6th June 1990 no offence would have been committed;
- (b) that the substance was packaged and labelled before 6th June 1990 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.

#### **Revocations**

4. Regulation 2(3) of, and Schedule 2 to, the Classification, Packaging and Labelling of Dangerous Substances (Amendment) Regulations 1988(a) are hereby revoked.

Signed by order of the Secretary of State.

7th November 1989

*Patrick Nicholls*  
Parliamentary Under Secretary of State,  
Department of Employment

7th November 1989

*Eric Forth*  
Parliamentary Under Secretary of State,  
Department of Trade and Industry

27th November 1989

*Robert Atkins*  
Parliamentary Under Secretary of State,  
Department of Transport

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(a) S.I. 1988/766.

## SCHEDULE 1

Regulation 2(1)

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

#### AMENDMENTS

<i>Regulation</i>	<i>Amendments</i>
Regulation 4	<p>(a) After 'entitled "Information approved for the Classification, Packaging and Labelling of Dangerous Substances (2nd Edition)" ' insert 'as revised by the document approved by the Health and Safety Commission on 25th April 1989 and entitled "Revision No. 1 to the Approved List (Information Approved for the Classification and Labelling of Dangerous Substances (2nd Edition))" '.</p> <p>(b) For sub-paragraph (h) substitute the following sub-paragraph— “(h) in Part VI a list of substances dangerous for supply for which the Commission has approved a conventional LD 50 value for the purpose of Schedule 3 (classification of pesticides); and”.</p>

## SCHEDULE 2

Regulation 2(2)

### 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 9th February 1988 entitled "Information Approved for the Classification, Packaging and Labelling of Dangerous Substances (2nd Edition)" as revised by the document approved by the Health and Safety Commission on 25th April 1989 and entitled "Revision No. 1 to the Approved List (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 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 the Commission Directive 87/432/EEC (OJ No. L239, 21.8.87, p.1) adapting to technical progress for the eighth time Council Directive 67/548/EEC (OJ No. L196, 16.8.67, p.1) (OJ/SE 197, p.234) on the classification, packaging and labelling of dangerous substances in relation to substances dangerous for supply.

The Regulations also give effect to the 1986 recommendations of the United Nations Committee on the transport of dangerous goods in relation to substances dangerous for conveyance.

Both these objectives are achieved by a revision to the second edition of the approved list described in regulation 4 of the principal Regulations which is amended by Schedule 1 to these Regulations. The full text of regulation 4 to the principal Regulations as now amended is set out in Schedule 2 to these Regulations.

Regulation 3 of these Regulations contains a transitional provision which allows substances which are classified and labelled in accordance with the unrevised version of the approved list to be supplied until 6th June 1990 and additional provision is made in certain circumstances in relation to small packages until 6th December 1990.

Copies of the revision to the approved list which was published by the Health and Safety Commission and is entitled "First Revision to Information approved for the Classification, Packaging and Labelling of Dangerous Substances (2nd Edition)" (ISBN 0 11 8855042) are obtainable from Her Majesty's Stationery Office.

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