

2015 No. 21

HEALTH AND SAFETY

**The Classification, Labelling and Packaging of Chemicals
(Amendments to Secondary Legislation) Regulations 2015**

Made - - - - *12th January 2015*

Laid before Parliament *19th January 2015*

Coming into force in accordance with regulation 1(2) and (3)

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(a) (“the 1972 Act”) in relation to—

- (a) the regulation and control of classification, packaging and labelling of dangerous substances and preparations(b); and
- (b) measures relating to the safety of ships and the health and safety of persons on them(c).

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A(d) of Schedule 2 to, the 1972 Act, sections 15(1), (2), 80(1) and 82(3)(a) of the Health and Safety at Work etc. Act 1974(e) (“the 1974 Act”) and sections 55(2), 85(1), (3), (5) to (7) and 86(1) of the Merchant Shipping Act 1995(f) and having consulted the persons referred to in section 86(4) of that Act.

These Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Secretary of State that it is expedient for the references to provisions of EU instruments to be construed as references to those provisions as amended from time to time.

These Regulations, apart from the modifications referred to in the next paragraphs, give effect without modifications to proposals submitted by the Health and Safety Executive under section

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- (a) 1972 c.68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).
 - (b) S.I. 1976/897; to which there are amendments not relevant to these Regulations.
 - (c) S.I. 1993/595; to which there are amendments not relevant to these Regulations.
 - (d) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51).
 - (e) 1974 c.37; section 15(1) was substituted by paragraph 6 of Schedule 15 to the Employment Protection Act 1975 (c.71) and amended by S.I. 2002/794.
 - (f) 1995 c.21. Section 55(2) was amended by S.I. 2002/2125. Sections 85 and 86 were amended by section 8 of, and Schedule 7 to, the Merchant Shipping and Maritime Security Act 1997 (c.28) and section 2(3) of the British Overseas Territories Act 2002 (c.8).

11(3)(a) of the 1974 Act after carrying out consultation in accordance with section 50(3)(b) of that Act.

It appears to the Secretary of State that the modifications made by regulations 17, 18(2)(a) and (c) and 19 are expedient as set out in section 80(1) of the 1974 Act.

It also appears to the Secretary of State not to be appropriate to consult bodies in respect of those modifications in accordance with section 80(4) of the 1974 Act(c).

Citation and commencement

1.—(1) These Regulations may be cited as the Classification, Labelling and Packaging of Chemicals (Amendments to Secondary Legislation) Regulations 2015.

(2) This regulation, regulation 2 (insofar as it relates to regulation 22) and regulation 22 come into force on 31st May 2015.

(3) The remainder of these Regulations come into force on 1st June 2015.

Extent

2.—(1) Subject to paragraphs (2) and (3), these Regulations extend to the United Kingdom.

(2) The amendments made by regulations 3, 4, 6, 10, 11, 13 to 15, 21 and 22 have the same extent as the provisions that they amend.

(3) The amendments made by regulations 8, 12, 17 and 19 extend to England, Wales and Scotland only.

Amendment of the Health and Safety (Safety Signs and Signals) Regulations 1996

3.—(1) The Health and Safety (Safety Signs and Signals) Regulations 1996(d) are amended as follows.

(2) In regulation 2(1), after the definition of “acoustic signal” insert—

““the CLP Regulation” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation (EC) No. 1907/2006, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;”

(3) In regulation 3(1)(a)—

(a) for “dangerous” substitute “hazardous”; and

(b) for “preparation” substitute “mixture”.

(4) In Schedule 1—

(a) In Part 1, for paragraph 12 substitute—

“**12.** Areas, rooms or enclosures used for the storage of significant quantities of hazardous substances or mixtures must be indicated by a suitable warning sign taken from paragraph 3.2 of Part II, or marked as provided in paragraph 1 of Part III, unless the labelling of individual packages or containers is adequate for this purpose. If there is no equivalent

(a) Section 11 was substituted by S.I. 2008/960 and amended by paragraph 2 of Schedule 12 to the Energy Act 2013 (c.32).

(b) Section 50(3) was amended by paragraph 16(3) of Schedule 15 to the Employment Protection Act 1975 (c.71); it was further amended by paragraph 6 of Schedule 7 to the Health and Social Care Act 2012 (c.7), paragraph 11 of Schedule 12 to the Energy Act 2013 (c.32) and S.I. 2008/960.

(c) Section 80(4) was amended by S.I. 2002/794.

(d) S.I. 1996/341, to which there are amendments not relevant to these Regulations.

warning sign in paragraph 3.2 of Part II to warn about hazardous chemical substances or mixtures, the relevant hazard pictogram, as laid down in Annex V to the CLP Regulation, must be used.”; and

(b) In Part 2, after paragraph 2.2 insert—

“**2.3.** The “General danger” warning sign must not be used to warn about hazardous substances or mixtures, except for cases where the warning sign is used to indicate stores of a number of hazardous substances or mixtures in accordance with paragraph 5 of Part 3 of Schedule 1 to these Regulations.”;

(c) in paragraph 3.2 of Part 2, delete the warning sign for ‘Harmful or irritant material’.

(d) in Part 3—

(i) for paragraph 1 substitute—

“**1.** Containers used at work for chemical substances or mixtures classified as hazardous according to the criteria for any physical or health hazard class in accordance with the CLP Regulation, and containers used for storage of such hazardous substances or mixtures, together with the visible pipes containing or transporting such hazardous substances or mixtures, must be labelled with the relevant hazard pictograms in accordance with that Regulation.

Paragraph 1 does not apply to containers used at work for brief periods nor to containers whose contents change frequently, provided that alternative adequate measures are taken, in particular for information and/or training which guarantee the same level of protection.

The labels referred to in paragraph 1 may be:

- replaced by warning signs as provided for in Part II, using the same pictograms or symbols. If there is no equivalent warning sign in Schedule 1, Part II, the relevant hazard pictogram, as laid down in Annex V to the CLP Regulation must be used.
- supplemented by additional information, such as the name and/or formula of the hazardous substance or mixture and details of the hazard.
- for the transporting of containers at the place of work, supplemented or replaced by signs applicable throughout the Union for the transport of hazardous substances or mixtures.”; and

(ii) in paragraph 5, for “dangerous substances or preparations”, in both places where it occurs substitute “hazardous substances or mixtures”.

Amendment of the Pipelines Safety Regulations 1996

4.—(1) The Pipelines Safety Regulations 1996^(a) are amended as follows.

(2) In Schedule 2, for paragraph 10 substitute—

“**10.—**(1) For the purposes of this Schedule—

- (a) a liquid is oxidising if it meets the criteria set out in Annex I to the CLP Regulation (“the Annex”) for classification in either of the following hazard classes—
 - (i) oxidising liquids of category 1, 2 or 3; or
 - (ii) organic peroxides Types C to F;
- (b) a fluid is toxic if it meets the criteria set out in the Annex for classification in either of the following hazard classes—
 - (i) acute toxicity category 3, or
 - (ii) specific target organ toxicity (repeated exposure) category 1; and

^(a) S.I. 1996/825; amended by S.I. 2009/716; there are other amending instruments but none is relevant.

- (c) a fluid is very toxic if it meets the criteria set out in the Annex for classification in either of the following hazard classes—
 - (i) acute toxicity category 1 or 2, or
 - (ii) specific target organ toxicity (single exposure) category 1.

(2) In this paragraph, “CLP Regulation” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation (EC) No. 1907/2006, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time.”

Amendment of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997

5.—(1) The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997(a) are amended as follows.

(2) In regulation 2(2), after the definition of “Declaration of Maritime Labour Compliance” insert—

““Directive 2014/27/EU means Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures;”.

(3) In regulation 8(1)(b), after “breastfeeding;”, insert “as amended by Directive 2014/27/EU;”.

Amendment of the Health and Safety (Enforcing Authority) Regulations 1998

6.—(1) The Health and Safety (Enforcing Authority) Regulations 1998(b) are amended as follows.

(2) In regulation 2(1)—

(a) after the definition of “bus” insert—

““the CLP Regulation” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation (EC) No. 1907/2006, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;”; and

(b) after the definition of “guided transport” insert—

““hazardous substance or mixture” means a substance or mixture which meets the criteria for classification within any health hazard or physical hazard class laid down in the CLP Regulation;”

(3) In Schedule 1, after paragraph 1(b) insert—

“(ba) where the main activity is the sale or storage for wholesale distribution of any hazardous substance or mixture;”.

(a) S.I. 1997/2962, amended by S.I. 2014/1616.; there are other amending instruments but none is relevant.

(b) S.I. 1998/494, amended by S.I. 2009/716; there are other amending instruments but none is relevant.

Amendment of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Employment of Young Persons) Regulations 1998

7.—(1) The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Employment of Young Persons) Regulations 1998(a) are amended as follows.

(2) In regulation 2(2), after the definition of “the Act” insert—

“the CLP Regulation means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation (EC) No. 1907/2006, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;”.

(3) In Part 1 of the Schedule—

(a) for paragraph 2(a), substitute—

“(a) Biological agents of risk groups 3 and 4 within the meaning of points 3 and 4 of the second paragraph of Article 2 of Directive 2000/54/EC of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks relating to exposure to biological agents at work (seventh individual Directive within the meaning of Article 16(1) of Directive 89/391/EC).”

(b) for paragraph 3(a), substitute—

“(a) Substances and mixtures which meet the criteria for classification under the CLP Regulation in one or more of the following hazard classes and hazard categories with one or more of the following hazard statements:

- acute toxicity, category 1, 2 or 3 (H300, H310, H330, H301, H311, H331);
- skin corrosion, category 1A, 1B or 1C (H314);
- flammable gas, category 1 or 2 (H220, H221);
- flammable aerosols, category 1 (H222);
- flammable liquid, category 1 or 2 (H224, H225);
- explosives, categories ‘Unstable explosive’, or explosives of Divisions 1.1, 1.2, 1.3, 1.4, 1.5 (H200, H201, H202, H203, H204, H205);
- self-reactive substances and mixtures, type A, B, C or D (H240, H241, H242);
- organic peroxides, type A or B (H240, H241);
- specific target organ toxicity after single exposure, category 1 or 2 (H370, H373);
- specific target organ toxicity after repeated exposure, category 1 or 2 (H372, H373);
- respiratory sensitisation, category 1, subcategory 1A or 1B (H334);
- skin sensitisation, category 1, subcategory 1A or 1B (H317);
- carcinogenicity, category 1A, 1B or 2 (H350, H350i, H351);
- germ cell mutagenicity, category 1A, 1B or 2 (H340, H341);
- reproductive toxicity, category 1A or 1B (H360, H360F, H360FD, H360Fd, H360D, H360Df);”;

(c) omit paragraph 3(b) and (c); and

(d) for paragraph 3(d), substitute—

“(d) Substances and mixtures referred to in point (ii) of point (a) of Article 2 of Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens

(a) 1998/2411, to which there are amendments not relevant to these Regulations.

or mutagens at work (Sixth individual Directive within the meaning of Article 16(1) of Council Directive 89/391/EEC);”.

(4) In paragraph 1 of Part 2 of the Schedule, for “Directive 90/394/EEC”, substitute “Directive 2004/37/EC”.

Amendment of the Management of Health and Safety at Work Regulations 1999

8.—(1) The Management of Health and Safety at Work Regulations 1999(a) are amended as follows.

(2) In regulation 1(2), after the definition of “child”, insert—

““Directive 2014/27/EU” means Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures;”.

(3) In regulation 3(5), for sub-paragraph (g), substitute—

“(g) risks from agents, processes and work listed in the Annex to Council Directive 94/33/EC on the protection of young people at work, as amended by Directive 2014/27/EU.”.

(4) In regulation 16(1)(b), after “breastfeeding;”, insert “as amended by Directive 2014/27/EU”.

Amendment of the Merchant Shipping and Fishing Vessels (Safety Signs and Signals) Regulations 2001

9.—(1) The Merchant Shipping and Fishing Vessels (Safety Signs and Signals) Regulations 2001(b) are amended as follows.

(2) In regulation 2(1)—

(a) in the definition of “the Directive”, after “work” insert “, as amended by Directive 2014/27/EU”; and

(b) after the definition of “the Directive” insert—

““Directive 2014/27/EU” means Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures;”.

(3) In regulation 3(3)(a)—

(a) for “dangerous” substitute “hazardous”; and

(b) for “preparation” substitute “mixture”.

Amendment of the Health and Safety at Work etc. Act 1974 (Application to Environmentally Hazardous Substances) Regulations 2002

10.—(1) The Health and Safety at Work etc. Act 1974 (Application to Environmentally Hazardous Substances) Regulations 2002(c) are amended as follows.

(2) In regulation 2—

(a) before the definition of “the Directives” insert—

(a) S.I. 1999/3242, to which there are amendments not relevant to these Regulations.

(b) S.I. 2001/3444.

(c) S.I. 2002/282; amended by S.I. 2004/463; there are other amending instruments but none is relevant.

“the CLP Regulation” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation (EC) No 1907/2006, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;”;

(b) in the definition of “the Directives”, omit paragraphs (fa) and (m).

(3) In regulation 3, after “the Directives”, insert “or by the CLP Regulation”.

Amendment of the Control of Lead at Work Regulations 2002

11.—(1) The Control of Lead at Work Regulations 2002(a) are amended as follows.

(2) In Schedule 2—

(a) for “The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 (S.I. 2002/1689);” substitute “Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation (EC) No 1907/2006, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;”;

(b) for “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 (S.I. 2007/1573)”, substitute “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (S.I. 2009/1348)”.

Amendment of the Control of Substances Hazardous to Health Regulations 2002

12.—(1) The Control of Substances Hazardous to Health Regulations 2002(b) are amended as follows.

(2) In regulation 2(1)—

(a) for the definition of “carcinogen” substitute—

““carcinogen” means—

(a) a substance or mixture which meets the criteria for classification as a category 1A or 1B carcinogen set out in Annex I to the CLP Regulation whether or not the substance or mixture would be required to be classified under the Regulation; or

(b) a substance or mixture which is—

(i) referred to in Schedule 1; or

(ii) released by a process referred to in Schedule 1 and is a substance hazardous to health;”;

(b) omit the definition of “the CHIP Regulations”;

(c) for the definition of “the CLP Regulation” substitute—

““the CLP Regulation” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation (EC) No 1907/2006, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;”;

(d) after the definition of “hazard” insert—

(a) S.I. 2002/2676; amended by S.I. 2004/568 and S.I. 2007/573; there are other amending instruments but none is relevant.

(b) S.I. 2002/2677; amended by S.I. 2003/978, 2004/568, 2004/3386, 2007/1573 and 2009/716; there are other amending instruments but none is relevant.

- ““hazard statement” has the meaning that it has in Article 2 of the CLP Regulation”;
- (e) after the definition of “mine”, insert—
 - ““mixture” means a mixture or solution composed of two or more substances;”;
- (f) for the definition of “mutagen” substitute—
 - ““mutagen” means a substance or mixture which meets the criteria for classification as a category 1A or 1B germ cell mutagen set out in Annex I to the CLP Regulation, whether or not the substance or mixture would be required to be classified under that Regulation;”;
- (g) omit the definition of “preparation”;
- (h) omit the definition of “risk phrase”; and
- (i) in the definition of “substance hazardous to health”—
 - (i) for “preparation” substitute the word “mixture”; and
 - (ii) for paragraph (a), substitute—
 - “(a) which meets the criteria for classification as hazardous within any health hazard class laid down in the CLP Regulation whether or not the substance is classified under that Regulation;”.
- (3) In regulation 7(7)(c)—
 - (a) in paragraph (i), for “risk phrase R45, R46 or R49” substitute “hazard statement H340, H350 or H350i”; and
 - (b) in paragraph (ii), for “risk phrase R42 or R42/43” substitute “hazard statement H334”.
- (4) In Schedule 2, omit the definition of “medicinal product”.
- (5) In Schedule 7—
 - (a) for “The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 (S.I. 2002/1689)”, substitute “the CLP Regulation;”; and
 - (b) for “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 (S.I. 2007/1573)”, substitute “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (S.I. 2009/1348)”.

Amendment of the Dangerous Substances and Explosive Atmospheres Regulations 2002

13.—(1) The Dangerous Substances and Explosive Atmospheres Regulations 2002(a) are amended as follows.

- (2) In regulation 2—
 - (a) omit the definition of “approved classification and labelling guide”;
 - (b) omit the definition of “the CHIP Regulations”;
 - (c) before the definition of “dangerous substance” insert—
 - ““the CLP Regulation” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation EC (No) 1907/2006, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;”;
 - (d) for the definition of “dangerous substance”, substitute—
 - ““dangerous substance” means—

(a) S.I. 2002/2776; amended by S.I.2004/568, 2007/1573 and 2009/716; there are other amending instruments but none is relevant.

- (a) a substance or mixture which meets the criteria for classification as hazardous within any physical hazard class laid down in the CLP Regulation, whether or not the substance is classified under that Regulation;
 - (b) a substance or mixture which because of its physico-chemical or chemical properties and the way it is used or is present in the workplace creates a risk, not being a substance or mixture falling within subparagraph (a) above; or
 - (c) any dust, whether in the form of solid particles of fibrous materials or otherwise, which can form an explosive mixture with air or an explosive atmosphere, not being a substance or mixture falling within subparagraphs (a) or (b) above;”;
- (e) for the definition of “hazard” substitute—
- ““hazard” means the physico-chemical or chemical property of a dangerous substance which has the potential to—
- (a) give rise to a fire, explosion or other events which can result in harmful physical effects of a kind similar to those which can be caused by fire or explosion; or
 - (b) be corrosive to metals,
- affecting the safety of a person, and references in these Regulations to “hazardous” is to be construed accordingly;”;
- (f) after the definition of “hazard”, insert—
- ““mixture” means a mixture or solution composed of two or more substances;”;
- (g) omit the definition of “preparation”.
- (3) In Schedule 5—
- (a) for “The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 (S.I. 2002/1689)”, substitute “the CLP Regulation”; and
 - (b) for “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 (S.I. 2007/1573)”, substitute “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (S.I. 2009/1348)”.

Amendment of the Regulatory Reform (Fire Safety) Order 2005

14.—(1) The Regulatory Reform (Fire Safety) Order 2005(a) is amended as follows.

(2) In article 2—

- (a) omit the definition of “approved classification and labelling guide”;
- (b) omit the definition of “the CHIP Regulations”;
- (c) after the definition of “child” insert—

““the CLP Regulation” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation (EC) No 1907/2006, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;”;
- (d) in the definition of “dangerous substance”—
 - (i) for paragraph (a) substitute—

“(a) a substance or mixture which meets the criteria for classification as hazardous within any physical hazard class laid down in the CLP Regulation, other than “corrosive to metals” or “gases under pressure”, whether or not the substance or mixture is classified under that Regulation”; and
 - (ii) in paragraph (b), for “preparation” substitute “mixture”; and

(a) S.I. 2005/1541; to which there are amendments not relevant to these Regulations.

- (e) in the definition of “safety data sheet”, for “regulation 5 of the CHIP Regulations” substitute “Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC”.

Amendment of the Fire Safety (Scotland) Regulations 2006

15.—(1) The Fire Safety (Scotland) Regulations 2006(a) are amended as follows.

(2) In regulation 2(1)—

- (a) omit the definition of “approved classification and labelling guide”;
- (b) omit the definition of “the CHIP Regulations”;
- (c) after the definition of “child” insert—

“the CLP Regulation” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation (EC) No 1907/2006, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;”;

(d) in the definition of “dangerous substance”—

(i) for paragraph (a) substitute—

“(a) a substance or mixture which meets the criteria for classification as hazardous within any physical hazard class laid down in the CLP Regulation, other than “corrosive to metals” or “gases under pressure”, whether or not the substance or mixture is classified under that Regulation”; and

(ii) in paragraph (b), for “preparation” substitute “mixture”; and

(e) in the definition of “safety data sheet”, for “regulation 5 of the CHIP Regulations” substitute “Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC”.

Amendment of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Carcinogens and Mutagens) Regulations 2007

16.—(1) The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Carcinogens and Mutagens) Regulations 2007(b) are amended as follows.

(2) In regulation 2(1)—

(a) for the definition of “carcinogen” substitute—

““carcinogen” means—

(a) a substance or mixture which meets the criteria for classification as a category 1A or 1B carcinogen set out in Annex I to the CLP Regulation whether or not the substance or mixture would be required to be classified under that Regulation; or

(b) a substance or mixture which is—

(a) S.S.I. 2006/456, to which there are amendments not relevant to these Regulations.

(b) S.I. 2007/3100, to which there are amendments not relevant to these Regulations.

- (i) referred to in Schedule 1; or
 - (ii) released by a process referred to in Schedule 1 and is a substance hazardous to health;”;
- (b) after the definition of “carcinogen” insert—
- ““CLP Regulation” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation (EC) No 1907/2006, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;”
- (c) for the definition of “mutagen”, substitute—
- ““mutagen” means a substance or mixture which meets the criteria for classification as a category 1A or 1B germ cell mutagen set out in Annex I to the CLP Regulation, whether or not the substance or mixture would be required to be classified under that Regulation;”

Amendment of the Legislative and Regulatory Reform (Regulatory Functions) Order 2007

17.—(1) The Legislative and Regulatory Reform (Regulatory Functions) Order 2007(a) is amended as follows.

- (2) In Part 3 of the Schedule, under the heading “Public Health and Safety”, for “Chemicals (Hazard Information and Packaging for Supply) Regulations 2002”, substitute “Chapter 2 of Part 3, and regulations 30 to 33 insofar as they apply to Chapter 2 of Part 3, of the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013”.

Amendment of the REACH Enforcement Regulations 2008

18.—(1) The REACH Enforcement Regulations 2008(b) are amended as follows.

- (2) In Part 1 of Schedule 3—
- (a) in paragraph 1(d)(i), for “regulation 2(1) of the Docks Regulations 1988” substitute “paragraph 2 of Schedule 9 to the Work at Height Regulations 2005”;
 - (b) after paragraph 1(k), insert—
 - “(ka) “hazardous substance or mixture” means a substance or mixture which meets the criteria for classification within any health hazard class or physical hazard class laid down in Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time”;
 - (c) in paragraph 1(o)(i), for “regulation 2(1) of the Docks Regulations 1988” substitute “paragraph 2 of Schedule 9 to the Work at Height Regulations 2005”; and
 - (d) omit paragraph 1(p).
- (3) In Part 2 of Schedule 3, in paragraph 2(a)(ii), for “substance or preparation dangerous for supply” substitute “hazardous substance or mixture”.

(a) S.I. 2007/3544; to which there are amendments not relevant to these Regulations.

(b) S.I. 2008/2852; amended by S.I. 2009/238 (Northern Ireland) and S.I. 2009/716; there are other amending instruments but none is relevant.

Amendment of the Co-ordination of Regulatory Enforcement (Regulatory Functions in Scotland and Northern Ireland) Order 2009

19.—(1) The Co-ordination of Regulatory Enforcement (Regulatory Functions in Scotland and Northern Ireland) Order 2009(a) is amended as follows.

(2) In Part 4 of Schedule 1, for “Chemicals (Hazard Information and Packaging for Supply) Regulations 2002” substitute “Chapter 2 of Part 3, and regulations 30 to 33, insofar as they apply to Chapter 2 of Part 3, of the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013”.

Amendment of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) Regulations 2010

20.—(1) The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) Regulations 2010(b) are amended as follows.

(2) In regulation 2(1)—

(a) after the definition of “chemical agent” insert—

““the CLP Regulation” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation (EC) No 1907/2006, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;”

(b) in the definition of “the Directive”, after “(fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)” add “, as amended by Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures”; and

(c) for the definition of “hazardous chemical agent”, substitute—

““hazardous chemical agent” means—

(a) any chemical agent which meets the criteria for classification as hazardous within any physical and/or health hazard class laid down in the CLP Regulation, whether or not that chemical agent is classified under that Regulation; or

(b) any chemical agent which, whilst not meeting the criteria for classification as hazardous in accordance with sub-paragraph (a) may, because of its physico-chemical, chemical or toxicological properties and the way it is used or is present on the ship, presents a risk to the safety and health of workers, including any chemical agent that is assigned an occupational exposure limit value under Article 3 of the Directive;”.

Amendment of the Control of Asbestos Regulations 2012

21.—(1) The Control of Asbestos Regulations 2012(c) are amended as follows.

(2) In Schedule 2, for paragraph 1(1)(a) substitute—

“(a) raw asbestos, together with the labelling required under—

(i) Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances

(a) S.I. 2009/669; to which there are amendments not relevant to these Regulations.

(b) S.I. 2010/330, to which there are amendments not relevant to these Regulations.

(c) S.I. 2012/632, to which there are amendments not relevant to these Regulations.

and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation (EC) No 1907/2006, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third subparagraphs and Annexes I to VII are to be read as amended from time to time; and

- (ii) the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009;”.

Amendment of the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013

22.—(1) The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013(a) are amended as follows.

(2) In regulation 36—

- (a) For paragraphs (c) and (d) substitute—

“(c) except to the extent that they continue to apply for the purposes of enforcing regulation 12 of the 2009 Regulations, regulations 14 to 16 and 18, with effect from 1st June 2015;

(d) regulation 5A, with effect from 1st June 2017;” and

- (b) after paragraph (d) insert—

“(e) regulations 2, 3 and 12, with effect from 1st June 2018.”

Review

23.—(1) The Secretary of State must from time to time—

- (a) carry out a review of regulations 3, 5, 7 to 9, 12, 13, 16 and 20 (the “specified regulations”);
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) In carrying out the review, the Secretary of State must, so far as is reasonable, have regard to how Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC and Directive 2004/37/EC of the European Parliament and of the Council in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (which is implemented by means of the specified regulations) is implemented in other member States.

(3) The report must, in particular—

- (a) set out the objectives intended to be achieved by the specified regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning on 1st June 2015.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

(a) S.I. 2013/1506, to which there are amendments not relevant to these Regulations.

Signed by the authority of the Secretary of State for Work and Pensions

12th January 2015

Freud
Parliamentary Under Secretary of State
Department of Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend 20 statutory instruments. Regulations 1, 2 (insofar as it relates to regulation 22) and regulation 22 come into force on 31st May 2015. The remainder of the Regulations come into force on 1st June 2015. The majority of the amendments arise from changes to the legislation at European level that regulates the classification, labelling and packaging of chemicals.

Regulation EC 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (“the CLP Regulation”) entered into force in January 2009. The CLP Regulation adopts within the European Union the Globally Harmonised System on the Classification and Labelling of Chemicals (“GHS”), which is published by the UN Social and Economic Council on a biennial basis. This means that the existing European classification system and hazard warning symbols, and the two Directives on the classification, labelling and packaging of dangerous substances and dangerous preparations (Directives 67/548/EEC and 1999/45/EC), will be replaced. The CLP Regulation comes fully into force on 1st June 2015, subject to transitional arrangements.

A number of European Directives refer to the existing classification system. These references have been updated by Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (“the Directive”). The Directive amends five worker protection Directives to bring them into line with the CLP Regulation. As a consequence, the legislation that implements those 5 Directives requires amendment. These amendments are in regulations 3, 5, 7 to 9, 12, 13, 16 and 20.

The Chemicals (Hazard Information and Packaging for Supply) Regulations 2009 (“the 2009 Regulations”), which implemented Directives 67/548/EEC and 1999/45/EC, are revoked by regulation 36 of the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 (“the 2013 Regulations”). The revocations take place according to a timetable that is aligned with the transition to the CLP Regulation. These Regulations make a number of amendments that are consequential on the revocation of the 2009 Regulations. The relevant amendments are in regulations 4, 6, 10 to 15, 17 to 19 and 21.

These Regulations make a small number of miscellaneous amendments. The amendments in regulation 18(2)(a) and (c) are consequential on the revocation of the Docks Regulations 1988 by the Health and Safety (Miscellaneous Revocations and Amendments) Regulations 2013.

Regulation 22 replaces regulation 36(c) and (d) of the 2013 Regulations and adds a new regulation 36(e). The effect of this amendment is firstly to revoke regulation 5A of the 2009 Regulations on 1st June 2017. Secondly, regulation 17 to, and Schedule 6 of, the 2009 Regulations continue in force. These changes to regulation 36 of the 2013 Regulations are necessary because amendments contained in Schedule 6 will still be required after the majority of the 2009 Regulations are revoked. Regulation 22 comes into force on 31st May 2015 because regulation 36 of the 2013

Regulations first takes effect on 1st June 2015. It is therefore necessary for the amendment to come into force before that date.

Regulation 23 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after they come into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

A full impact assessment of the effect that these Regulations would have on the costs of business and the voluntary sector is published with the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk. The Transposition Note in relation to the implementation of the Directive is published with the Explanatory Memorandum and available on that website. Copies of these documents are available in the libraries of both Houses of Parliament.

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