
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 273

**The Explosives (Hazard Information and Packaging
for Supply) Regulations (Northern Ireland) 2009**

PART 2

GENERAL REQUIREMENTS

Classification of dangerous substances and dangerous preparations

4.—(1) A person shall not supply a dangerous substance or dangerous preparation unless it has been classified in accordance with paragraphs (2) to (7).

(2) The classification of a dangerous substance which is listed in Table 3.2 of part 3 of Annex VI of the CLP Regulation shall be the classification for that substance specified in that list.

(3) A dangerous substance which—

- (a) is not a phase-in substance within the meaning of REACH; and
- (b) is not listed in Table 3.2 part 3 of Annex VI of the CLP Regulation; and
- (c) has been registered in accordance with Title II of REACH,

shall be classified in conformity with that registration.

(4) Subject to paragraph (5), a dangerous substance which is not classified in accordance with paragraph (2) or (3) shall be classified—

- (a) by ascertaining which of the properties specified in Column 2 of Schedule 1 applies to the dangerous substance and by placing the dangerous substance in one or more of the categories of danger specified in the corresponding entry in Column 1 of that Schedule;
- (b) by assigning to the dangerous substance the appropriate risk phrases by the use of the criteria set out in the approved classification and labelling guide; and
- (c) where it is proposed to classify a dangerous substance in the category of danger carcinogenic, mutagenic or toxic for reproduction, by an assessment of the evidence by a competent person.

(5) Before a dangerous substance is classified in accordance with paragraph (4), persons carrying out the classification shall make themselves aware of all relevant and accessible data which may exist in relation to the dangerous substance in question.

(6) Where a manufacturer, distributor or importer has classified a substance, in accordance with the provisions of paragraph (4), as a dangerous substance in the category of danger carcinogenic, mutagenic or toxic for reproduction, that person shall send to the Secretary of State as soon as possible a document—

- (a) summarising the information on which the classification was based; and
- (b) including all relevant references and unpublished data,

unless that document has already been sent to the relevant authority in another EEA State in which the dangerous substance has been supplied.

(7) A dangerous preparation shall be classified in accordance with Schedule 3 and, where applicable, by use of the criteria contained in the approved classification and labelling guide.