
STATUTORY INSTRUMENTS

2000 No. 1646

HEALTH AND SAFETY, NORTHERN IRELAND

**The Explosive Substances (Hazard Information)
Regulations (Northern Ireland) 2000**

<i>Made</i>	- - - -	<i>12th June 2000</i>
<i>Laid before Parliament</i>		<i>5th July 2000</i>
<i>Coming into force</i>	- -	<i>31st July 2000</i>

The Secretary of State, being the designated Minister⁽¹⁾ for the purpose of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the regulation and control of classification, packaging and labelling of dangerous substances and preparations, and for measures relating to consumer protection in relation to explosives, in the exercise of the powers conferred on him by the said section 2(2) and in pursuance of Articles 17(1) to (6), 54(1), (4) and (5), and 55(2) of, and paragraphs 1(1), (4) and (5), and 2, 11, 14 and 15 of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978⁽³⁾ as applied and modified by Article 53 of that Order and after consulting in accordance with Article 46 of that Order as so applied and modified, the Health and Safety Executive for Northern Ireland and such other bodies as appear to him to be appropriate, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Explosive Substances (Hazard Information) Regulations (Northern Ireland) 2000 and shall come into force on 31st July 2000.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“aerosol dispenser” means an article which consists of a non-reusable receptacle containing a gas compressed, liquefied or dissolved under pressure, with or without liquid, paste or powder and fitted with a release device allowing the contents to be ejected as solid or liquid particles in suspension in a gas, as a foam, paste or powder or in a liquid state;

(1) S.I. 1976/897 and S.I. 1993/2661.

(2) 1972 c. 68; the definition of “the Treaties” referred to in section 2(2) was extended by section 1 of the European Economic Area Act 1993 (c. 51).

(3) S.I. 1978/1039 (N.I. 9).

“the Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993(4) and adopted as respects to the United Kingdom by the European Economic Area Act 1993(5);

“approved classification and labelling guide” means the guide approved by the Secretary of State and published by the Health and Safety Commission entitled “Approved Guide to the Classification and Labelling of Substances and Preparations Dangerous for Supply (3rd Edition)”;

“approved supply list” has the meaning assigned to it by regulation 4;

“category of danger” means, in relation to a substance dangerous for supply, one of the categories of danger specified in column 1 of Part I of Schedule 1;

“classification” means, in relation to a substance dangerous for supply, classification in accordance with regulation 5;

“commercial sample” means, in relation to a substance dangerous for supply, a sample of that substance provided to the recipient with a view to subsequent purchase;

“the Community” means the European Economic Community and other States in the European Economic Area;

“EC number” means, in relation to a substance dangerous for supply—

- (a) in the case of a substance that is included in the approved supply list, the EC number (if any) specified in column 3 of Part V of that list; or
- (b) in the case of a substance that is not included in the approved supply list or for which an EC number is not given in Part V of that list, the number for that substance (if any) specified in the European Inventory of Existing Commercial Chemical Substances (EINECS)(6);

“the European Economic Area” means the Area referred to in the Agreement;

“explosive substance” means—

- (a) a solid or liquid substance, or
- (b) a mixture of solid or liquid substances or both,

which is capable by chemical reaction in itself of producing gas at such a temperature and pressure and at such a speed as could cause damage to surroundings or which is designed to produce an effect by heat, light, sound, gas or smoke or a combination of these as a result of non-detonative self-sustaining exothermic chemical reactions;

“flash point” means the flash point determined in accordance with Part III of Schedule 1;

“freight container” means a container as defined in regulation 2 of the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992(7);

“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(8);

“index number” means, in relation to a substance dangerous for supply which appears in the approved supply list, the number for that substance specified in that list;

“indication of danger” means, in relation to a substance dangerous for supply, one or more of the indications of danger referred to in column 1 of Schedule 2 and in the case of—

(4) The Agreement was amended by Decision 7/94 of the EEA Joint Committee of 21st March 1994 (O.J. No. L 160, 28.6.94, p.1.). There are other amendments to the Agreement which are not relevant to these Regulations.

(5) 1993 c. 51.

(6) O.J. No. C146A, 15.6.90 p.1.

(7) S.R. 1992 No. 2.

(8) 1974 c. 37.

- (a) a substance dangerous for supply listed in the approved supply list, it is one or more indications of danger specified by a symbol-letter in the list; or
- (b) a substance dangerous for supply not so listed, it is one or more indications of danger determined in accordance with the classification of that substance under regulation 5 and the approved classification and labelling guide;

“member State” means a State which is a Contracting Party to the Agreement;

“package” means, in relation to a substance dangerous for supply, the package in which it is supplied and which is liable to be individually handled during the course of the supply and includes the receptacle containing the substance and any other packaging associated with it and any pallet or other device which enables more than one receptacle containing a substance dangerous for supply to be handled as a unit, but does not include—

- (a) a freight container (other than a tank container), a skip, a vehicle or other article of transport equipment; or
- (b) in the case of supply by way of retail sale, any wrapping such as a paper or plastic bag into which the package is placed when it is presented to the purchaser;

“packaging” means, in relation to a substance dangerous for supply, the receptacle, or any components, materials or wrappings associated with the receptacle for the purpose of enabling it to perform its containment function or both;

“property” means, in relation to a substance dangerous for supply, a property described in column 2 of Part I of Schedule 1 and further described in the approved classification and labelling guide;

“receptacle” means, in relation to a substance dangerous for supply, a vessel, or the innermost layer of packaging, which is in contact with the substance and which is liable to be individually handled when the substance is used and includes any closure or fastener;

“risk phrase” means, in relation to a substance dangerous for supply, a phrase listed in the approved supply list and in these Regulations a specific risk phrase may be designated by the letter “R” followed by a distinguishing number or combination of numbers but the risk phrase shall be quoted in full on any label or safety data sheet on which the risk phrase is required to be shown;

“safety phrase” means, in relation to a substance dangerous for supply, a phrase listed in the approved supply list and in these Regulations a specific safety phrase may be designated by the letter “S” followed by a distinguishing number or combination of numbers, but the safety phrase shall be quoted in full on any label or safety data sheet on which the safety phrase is required to be shown;

“substance” means a chemical element and its compounds in the natural state or obtained by any production process, including any additive necessary to preserve the stability of the product and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition;

“substance dangerous for supply” means—

- (a) a substance listed in the approved supply list; or
- (b) any other substance which is in one or more of the categories of danger specified in column 1 of Part I of Schedule 1;

“supplier” means a person who supplies a substance dangerous for supply, and in the case of a substance which is imported (whether or not from a member State) includes the importer, established in Northern Ireland, of that substance or preparation;

“supply” in relation to a substance—

- (a) means, subject to sub-paragraphs (b) and (c) below, supply of that substance in the course of or for use at work, by way of—
- (i) sale or offer for sale,
 - (ii) commercial sample, or
 - (iii) transfer from a factory, warehouse or other place of work and its curtilage to another place of work, whether or not in the same ownership, whether as principal or agent for another;
- (b) in relation to regulation 7 shall have the meaning assigned to it by regulation 7(2);
“symbol” means the symbol shown in column 3 of Schedule 2 for the indication of danger shown in column 1 of that Schedule, and “symbol-letter ” means the letter shown in the corresponding entry in column 2 of that Schedule.
- (2) Unless the context otherwise requires, where in these Regulations reference is made to a quantity of a substance dangerous for supply expressed in litres, that reference shall mean—
- (a) in the case of a liquid, the volume in litres of that liquid;
 - (b) in the case of a gas, the volume in litres of the receptacle containing that gas; and
 - (c) in the case of a solid, the same number of kilograms of that solid,
- and for the purposes of aggregation, one kilogram of a solid shall be deemed to be equivalent to one litre of a liquid or gas.
- (3) These Regulations are without prejudice to any other requirement imposed by or under any statutory provision which relates to a substance dangerous for supply.

Application

- 3.** These Regulations shall apply to any substance which is dangerous for supply and to which the Explosives Acts (Northern Ireland) 1875 to 1970⁽⁹⁾ apply, except—
- (a) munitions which are supplied with a view to producing a practical effect by explosion or a pyrotechnic effect;
 - (b) a substance which is under customs control;
 - (c) subject to Council Regulations EC 2455/92⁽¹⁰⁾ on the export notification and information exchange of dangerous substances, a substance which is intended for export to a country which is not a member State;
 - (d) a substance which is transferred from a factory, warehouse or other place of work and its curtilage to another place of work in the same ownership and in the immediate vicinity; or
 - (e) substances in the form of wastes which are covered by Council Directives 91/156/EEC⁽¹¹⁾ and 91/689/EEC⁽¹²⁾.

Meaning of the approved supply list

- 4.** In these Regulations the “approved supply list” means the document approved by the Secretary of State for the purposes of these Regulations and—
- (a) entitled “Information Approved for the Classification and Labelling of Substances and Preparations Dangerous for Supply (4th Edition)” published by the Health and Safety Commission;

⁽⁹⁾ 1875 c. 17; 1924 c. 5 (N.I.); 1970 c. 10. (N.I.).

⁽¹⁰⁾ O.J. No. L 251, 29.8.92 p.13.

⁽¹¹⁾ O.J. No. L 78, 26.3.91 p.32.

⁽¹²⁾ O.J. No. L 377, 31.12.91 p.20.

- (b) as revised by the document entitled the “Approved Supply List Supplement ” published by the Health and Safety Commission.

Classification of substances dangerous for supply

5.—(1) A supplier shall not supply a substance dangerous for supply, unless it has been classified in accordance with the following paragraphs of this regulation.

(2) The classification of a substance which is listed in the approved supply list shall be the classification for that substance specified in the list.

(3) In the case of any other substance dangerous for supply, after an investigation to become aware of relevant and accessible data which may exist, the substance shall be classified by placing it into one or more of the categories of danger specified in column 1 of Part I of Schedule 1 corresponding to the properties of the substance specified in the entry opposite it in column 2 and by assigning appropriate risk phrases by the use of the criteria set out in the approved classification and labelling guide.

Safety data sheets for substances dangerous for supply

6.—(1) Subject to paragraphs (2) and (5), the supplier of a substance dangerous for supply shall provide the recipient of that substance with a safety data sheet containing information under the headings specified in Schedule 3 to enable the recipient of that substance to take the necessary measures relating to the protection of health and safety at work and relating to the protection of the environment and the safety data sheet shall clearly show its date of first publication or latest revision, as the case may be.

(2) In this regulation “supply” shall not include supply by way of—

- (a) offer for sale;
- (b) transfer from a factory, warehouse or other place of work and its curtilage to another place of work in the same ownership; or
- (c) returning substances to the person who supplied them, providing that the properties of that substance remain unchanged.

(3) The supplier shall keep the safety data sheet up to date and revise it immediately if any significant new information becomes available regarding safety or risks to human health or the protection of the environment in relation to the substance concerned and the revised safety data sheet shall be clearly marked with the word “revision”.

(4) Except in circumstances to which paragraph (5) relates, the safety data sheet shall be provided free of charge no later than the date on which the substance is first supplied to the recipient and where the safety data sheet has been revised in accordance with paragraph (3), a copy of the revised safety data sheet shall be provided free of charge to all recipients who have received the substance in the last 12 months and the changes in it shall be brought to their notice.

(5) In relation to a substance dangerous for supply a safety data sheet shall be provided free of charge at the request of persons who intend the substance to be used at work, but in those circumstances paragraph (4) (in so far as it relates to the subsequent provision of a revised data sheet) shall not apply to such requests.

(6) The particulars required to be given in a safety data sheet shall be in English, except that where a substance is intended to be supplied to a recipient in another member State, the safety data sheet may be in an official language of that State.

Advertisements for substances dangerous for supply

7.—(1) A person who supplies or offers to supply a substance dangerous for supply shall ensure that the substance is not advertised unless mention is made in the advertisement of the hazard or hazards presented by the substance.

(2) In this regulation the word “supply” has the same meaning as in Article 3 of the Consumer Protection (Northern Ireland) Order 1987(13).

Retention of classification data for substances dangerous for supply

8. A person who classifies a substance in accordance with regulation 5(3) shall keep a record of the information used for the purposes of classifying it for at least 3 years after the date on which the substance was supplied by him for the last time and shall make the record or a copy of it available to the appropriate enforcing authority at its request.

Exemption certificates

9.—(1) Subject to paragraph (2) and to any of the provisions imposed by the Community in respect of the free movement of dangerous substances, the Secretary of State may, by a certificate in writing, exempt any person or class of persons or substance to which these Regulations apply, or class of such substances, from all or any of the requirements or prohibitions imposed by or under these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by a certificate in writing.

(2) The Secretary of State shall not grant any such exemption unless, having regard to the circumstances of the case, and in particular to—

- (a) the conditions, if any, which he proposes to attach to the exemption; and
- (b) any requirements imposed by or under any enactments which apply to the case,

he is satisfied that the health or safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

Enforcement and defence

- (a) 10. (1) (a) the provisions of the Health and Safety at Work (Northern Ireland) Order 1978(14) which relate to the approval of codes of practice and their use in criminal proceedings, to enforcement and to offences; and
- (b) Article 43(2) of that Order

shall apply to the provisions of regulations 5 to 8 as if those provisions had been made under Article 17 of that Order whether or not the provisions of that Order would apply but for this paragraph.

(2) In any proceedings for an offence under these Regulations, it shall be a defence for any person to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of that offence.

Amendment of Regulations

11. The Construction (Use of Explosives) Regulations (Northern Ireland) 1997(15) shall be amended in accordance with Schedule 4.

(13) S.I. 1987/2049 (N.I. 20).

(14) S.I. 1978/1039 (N.I. 9).

(15) S.R. 1997 No. 555.

Northern Ireland Office
12th June 2000

Peter Mandelson
One of Her Majesty's Principal Secretaries of
State

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulations 2(1) and 5(3)

CLASSIFICATION OF SUBSTANCES DANGEROUS FOR SUPPLY

PART I

CATEGORIES OF DANGER

Column 1 <i>Category of danger</i>	Column 2 <i>Property (See Note 1)</i>	Column 3 <i>Symbol-letter</i>
PHYSICO-CHEMICAL PROPERTIES		
Explosive	Solid, liquid, pasty or gelatinous substances, which may react exothermically without atmospheric oxygen thereby quickly evolving gases and which, under defined test conditions, detonate, quickly deflagrate or upon heating explode when partially confined.	E
Oxidizing	Substances which give rise to a highly exothermic reaction in contact with other substances, particularly flammable substances.	O
Extremely flammable	Liquid substances having an extremely low flash point and a low boiling point and gaseous substances and preparations which are flammable in contact with air at ambient temperature and pressure. (See Note 2.)	F+
Highly flammable	The following substances— (a) substances which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy, (b) solid substances which may readily catch fire	F

Notes

- As further described in the approved classification and labelling guide.
- The categories are specified in the approved classification and labelling guide.
- In certain cases specified in the approved supply list and in the approved classification and labelling guide substances classified as dangerous for the environment do not require to be labelled with the symbol for this category of danger.

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Column 1 <i>Category of danger</i>	Column 2 <i>Property (See Note 1)</i>	Column 3 <i>Symbol-letter</i>
	after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition, (c) liquid substances having a very low flash point, or (d) substances which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities. (See Note 2.)	
Flammable	Liquid substances having a low flash point. (See Note 2.)	None
HEALTH EFFECTS		
Very toxic	Substances which in very low quantities cause death or acute or chronic damage to health when inhaled, swallowed or absorbed via the skin.	T+
Toxic	Substances which in low quantities cause death or acute or chronic damage to health when inhaled, swallowed or absorbed via the skin.	T
Harmful	Substances which may cause death or acute or chronic damage to health when inhaled, swallowed or absorbed via the skin.	Xn
Corrosive	Substances which may, on contact with living tissues, destroy them.	C
Irritant	Non-corrosive substances which, through immediate, prolonged or repeated contact with the skin or mucous membrane, may cause inflammation.	Xi
<i>Notes</i>		
1. As further described in the approved classification and labelling guide.		
2. The categories are specified in the approved classification and labelling guide.		
3. In certain cases specified in the approved supply list and in the approved classification and labelling guide substances classified as dangerous for the environment do not require to be labelled with the symbol for this category of danger.		

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Column 1 <i>Category of danger</i>	Column 2 <i>Property (See Note 1)</i>	Column 3 <i>Symbol-letter</i>
Sensitizing	Substances which, if they are inhaled or if they penetrate the skin, are capable of eliciting a reaction by hypersensitization such that on further exposure to the substance or preparation, characteristic adverse effects are produced.	
Sensitizing by inhalation		Xn
Sensitizing by skin contact		Xi
Carcinogenic (See Note 3)	Substances which, if they are inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence.	
Category 1		T
Category 2		T
Category 3		Xn
Mutagenic (See Note 3)	Substances which, if they are inhaled or ingested or if they penetrate the skin, may induce heritable genetic defects or increase their incidence.	
Category 1		T
Category 2		T
Category 3		Xn
Toxic for reproduction (See Note 3)	Substances which, if they are inhaled or ingested or if they penetrate the skin, may produce or increase the incidence of non-heritable adverse effects in the progeny and/or an impairment of male or female reproductive functions or capacity.	
Category 1		T
Category 2		T
Category 3		Xn

Notes

1. As further described in the approved classification and labelling guide.
2. The categories are specified in the approved classification and labelling guide.
3. In certain cases specified in the approved supply list and in the approved classification and labelling guide substances classified as dangerous for the environment do not require to be labelled with the symbol for this category of danger.

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Column 1 <i>Category of danger</i>	Column 2 <i>Property (See Note 1)</i>	Column 3 <i>Symbol-letter</i>
Dangerous for the environment (See Note 4)	Substances which, were they to enter into the environment, would present or might present an immediate or delayed danger for one or more components of the environment.	N

Notes

1. As further described in the approved classification and labelling guide.
2. The categories are specified in the approved classification and labelling guide.
3. In certain cases specified in the approved supply list and in the approved classification and labelling guide substances classified as dangerous for the environment do not require to be labelled with the symbol for this category of danger.

PART II

CLASSIFICATION OF SUBSTANCES DANGEROUS FOR SUPPLY IN AEROSOL DISPENSERS AS FLAMMABLE

1. A substance which is packed in an aerosol dispenser shall be classified as dangerous for supply at least as “flammable” if that dispenser contains either—

- (a) more than 45 per cent by weight of flammable substances; or
- (b) more than 250 grams of flammable substances.

For the purposes of this paragraph, “flammable substances” means highly flammable gases or flammable liquids having flash points equal to or less than 100°C.

2. Where an aerosol dispenser contains a substance which is classified in accordance with paragraph 1 as “flammable” it shall show in accordance with the requirements of regulation 10 either—

- (a) the word “flammable”; or
- (b) the symbol having the symbol-letter F in column 2 of Schedule 2,

or both the word “flammable” and that symbol.

PART III

METHODS FOR THE DETERMINATION OF FLASH POINT

1. For the purpose of classifying a substance dangerous for supply in accordance with Part I of this Schedule the flash point shall be determined—

- (a) by one of the equilibrium methods referred to in paragraph 3; or
- (b) by one of the non-equilibrium methods referred to in paragraph 4, except that when the flash point so determined falls within one of the following ranges, namely:—
 - (i) -2°C to + 2°C,
 - (ii) 19°C to 23°C, or
 - (iii) 53°C to 57°C, that flash point shall be confirmed by one of the equilibrium methods referred to in paragraph 3 using like apparatus.

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2. The use of any method or apparatus referred to in paragraphs 3, 4 and 5 is subject to the conditions specified in the appropriate standard particularly having regard to the nature of the substance (eg viscosity) and to the flash point range and also to the advice provided in paragraphs 21 to 25 of the approved classification and labelling guide.

3. The equilibrium methods referred to in paragraph 1(a) are those defined in the following standards, namely, International Standards ISO 1516, ISO 3680, ISO 1523 and ISO 3679.

4. The non-equilibrium methods referred to in paragraph 1(b) use the apparatus referred to below in accordance with the following standards:—

(a) Abel Apparatus—

- (i) British Standard BS 2000 Part 170,
- (ii) French Standard NF M07-011,
- (iii) French Standard NF T66-009;

(b) Abel-Pensky Apparatus—

- (i) German Standard DIN 51755, Part 1 (for temperature from 5 to 65 degrees C),
- (ii) German Standard DIN 51755, Part 2 (for temperature below 5 degrees C),
- (iii) French Standard NF M07-036,
- (iv) European Standard EN 57;

(c) Tag Apparatus—

- (i) American Standard ASTM D-56;

(d) Pensky-Martens Apparatus—

- (i) British Standard BS 6664 Part 5,
- (ii) International Standard ISO 2719,
- (iii) American Standard ASTM D-93,
- (iv) French Standard NF M07-019,
- (v) German Standard DIN 51758,
- (vi) European Standard EN 11.

5. To determine the flash point of viscous liquids (paints, gums and similar) containing solvents, only apparatus and test methods suitable for determining the flash point of viscous liquids may be used namely:—

- International Standards ISO 3679, ISO 3680, ISO 1523 and German Standard DIN 53213, Part 1.

SCHEDULE 2

Regulation 2(1)

INDICATIONS OF DANGER AND SYMBOLS FOR SUBSTANCES DANGEROUS FOR SUPPLY

Column 1 <i>Indication of danger</i>	Column 2 <i>Symbol-letter</i>	Column 3 <i>Symbol</i>
Explosive	E	
Oxidizing	O	

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Column 1 <i>Indication of danger</i>	Column 2 <i>Symbol-letter</i>	Column 3 <i>Symbol</i>
Extremely flammable	F+	
Highly flammable	F	
Very toxic	T+	
Toxic	T	
Harmful	Xn	
Corrosive	C	
Irritant	Xi	
Dangerous for the environment	N	

SCHEDULE 3

Regulation 6(1)

HEADINGS UNDER WHICH PARTICULARS ARE
TO BE PROVIDED IN SAFETY DATA SHEETS

The safety data sheet referred to in regulation 6 shall contain the following obligatory headings:

1. Identification of the substance/preparation and company/undertaking.
2. Composition/information on ingredients.
3. Hazards identification.
4. First-aid measures.
5. Fire-fighting measures.
6. Accidental release measures.
7. Handling and storage.
8. Exposure controls/Personal protection.
9. Physical and chemical properties.
10. Stability and reactivity.
11. Toxicological information.
12. Ecological information.
13. Disposal considerations.
14. Transport information.
15. Regulatory information.
16. Other information.

SCHEDULE 4

Regulation 11

AMENDMENT OF REGULATIONS

PART I

**THE CONSTRUCTION (USE OF EXPLOSIVES)
REGULATIONS (NORTHERN IRELAND) 1997**

1. The Construction (Use of Explosives) Regulations (Northern Ireland) 1997(16) shall be amended in accordance with paragraphs 2 and 3.

Regulation 2

2. In regulation 2 (Interpretation) after the definition of “structure ” there shall be inserted the following definitions:—

“territorial waters” means United Kingdom territorial waters adjacent to Northern Ireland; and
“vessel” includes a hovercraft and any floating structure which is capable of being staffed.

Regulation 7

3. In regulation 7, paragraphs (2) and (3) are hereby revoked.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations apply to any substance which is dangerous for supply and to which the Explosives Acts (Northern Ireland) 1875 to 1970 apply.

2. By virtue of the amendments to the European Communities Act 1972 (c. 68) made by the European Economic Area Act 1993 (c. 51), these Regulations make provisions relating to the European Economic Area as defined in regulation 2(1).

3. These Regulations implement, as respects Northern Ireland—

- (a) Council Directive 92/32/EEC (O.J. No. L 154, 5.6.92, p.1) amending for the 7th time Council Directive 67/548/EEC (O.J. No. 1986, 16.8.67, p.1) (O.J./SE 1967 p.234), in so far as its provisions relate to the classification, packaging and labelling of dangerous substances (“the substances Directive”);
- (b) part of Council Directive 94/60/EC (O.J. No. L 365, 31.12.94, p.1), the 14th Amendment to Council Directive 67/769/EEC (“the Marketing and Use Directive ”); and
- (c) Council Directive 96/56/EC (O.J. No. L 236, 18.9.96, p.35), the 8th Amendment to the Dangerous Substances Directive.

(16) S.R. 1997 No. 555.

4. These Regulations also implement the following Directives which adapt to technical progress and modify the substances Directive—

- (a) Commission Directive [91/410/EEC](#) (O.J. No. L 228, 17.8.91, p.67) 14th adaptation to technical progress of the substances Directive;
- (b) Commission Directive [92/37/EEC](#) (O.J. No. L 154, 5.6.92, p.30) 16th adaptation to technical progress of the substances Directive;
- (c) Commission Directive [93/21/EEC](#) (O.J. No. L 110, 4.5.93, p.20) 18th adaptation to technical progress of the substances Directive;
- (d) Commission Directive [93/72/EEC](#) (O.J. No. L 258, 16.10.93, p.29) 19th adaptation to technical progress of the substances Directive;
- (e) Commission Directive [93/101/EC](#) (O.J. No. L 13, 15.1.94, p.1) 20th adaptation to technical progress of the substances Directive; and
- (f) Commission Directive [93/112/EC](#) (O.J. No. L 314, 16.12.93, p.38) amendment to the safety data sheets Directive (Commission Directive [91/155/EEC](#), O.J. No. L 76, 22.3.91, p.39).
- (g) Commission Directive [94/69/EC](#) (O.J. No. L 381, 31.12.94, p.1) the 21st adaptation to technical progress of Commission Directive [67/548/EEC](#) (“the Dangerous Substances Directive”);
- (h) Commission Directive [96/54/EC](#) (O.J. No. L 248, 30.9.96, p.1); and
- (i) Commission Directive [96/55/EC](#) (O.J. No. L 231, 12.9.96, p.20), the 2nd adaptation to the Marketing and Use Directive.

5. The scope of the Regulations is described in regulation 3. Regulation 4 defines and describes the approved supply list which has been approved by the Secretary of State and published by the Health and Safety Commission for the purposes of classifying substances dangerous for supply.

6. Regulation 5 prohibits the supply of substances dangerous for supply unless they are classified in accordance with that regulation. Procedures for classifying substances dangerous for supply are also prescribed (regulation 5 and Schedule 1).

7. Regulation 6 describes the safety data sheets which (with certain exceptions) are required to be provided when dangerous substances are supplied and Schedule 3 sets out the headings under which particulars are to be provided in safety data sheets.

8. Regulation 7 requires that advertisements for a substance which is dangerous for supply must refer to the hazards presented by that substance.

9. Regulation 8 requires the person who classifies a substance as dangerous for supply to retain the data used for classification for at least three years after the substance was last supplied and make it available to the enforcing authority on request.

10. The Regulations make provision for exemptions to be granted by the Secretary of State in certain circumstances and for the enforcement of the Regulations (regulations 9 and 10).

11. Regulation 11 and Schedule 4 amend the Construction (Use of Explosives) Regulations (Northern Ireland) 1997.

12. Copies of the publications referred to in these Regulations are obtainable as follows:—

- (a) (i) the approved supply list [ISBN 0-7176 0858 1],
(ii) the approved classification and labelling guide [ISBN 0-7176 0860 3], HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 6FS or any good book seller;
- (b) The British and International Standards referred to in Part III of Schedule 1 (relating to the determination of flash point), regulation 13 and Schedule 7 (relating to child resistant

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fastenings and tactile warning devices) from (by personal callers) the British Standards Institution, 2 Park Street, London W1A 2BS or (by post) from the British Standards Institution, Linford Wood, Milton Keynes, MK14 6LE.

A person who contravenes the Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978.