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STATUTORY INSTRUMENTS

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**2008 No. 2337**

**The Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations 2008**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations 2008 and shall come into force on 1<sup>st</sup> October 2008.

(2) In these Regulations, “the principal Regulations” means the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002(1).

**Amendments to regulation 2 of the principal Regulations**

2. In regulation 2(1) of the principal Regulations—

(a) for the definition of “the approved classification and labelling guide” substitute—

““the approved classification and labelling guide” means the guide entitled “Approved Guide to the Classification and Labelling of Dangerous Substances and Dangerous Preparations (Fifth Edition)” approved by the Health and Safety Commission on 16<sup>th</sup> April 2002(2), as revised or re-issued from time to time,”; and

(b) for the definition of “the approved supply list” substitute—

““the approved supply list” means the document entitled “Information approved for the Classification and Labelling of Dangerous Substances and Dangerous Preparations (Eighth Edition)” approved by the Health and Safety Commission on 26 July 2005(3), as revised or re-issued from time to time.”.

**Amendments to regulations 8A and 9 of the principal Regulations**

3.—(1) In regulation 8A(4) of the principal Regulations after the words “this regulation” add the words “and regulation 9(2)”.

(2) In regulation 9(2) of the principal Regulations—

(a) For the words “regulations 8 and 8A” substitute the words “paragraph (2A)”; and

(b) After paragraph (2) add—

“(2A) Where a package would be required to be labelled and marked in accordance with any of the national or international transport rules listed in regulation 8A(4) and the package consists of one or more receptacles in outer packagings, it shall be sufficient compliance with paragraph (2) if the package shows the labels and markings required by whichever of the national or international rules is appropriate.”.

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(1) S.I. 2002/1689, amended by S.I. 2004/568, S.I. 2004/3386, S.I. 2005/2092, S.I. 2005/2571 and S.I. 2008/960. There are other amending instruments but none is relevant.

(2) ISBN 0717623696.

(3) ISBN 0717661385.

### **Amendments to Schedule 3 of the principal Regulations**

4. Schedule 3 to the principal Regulations shall be amended in accordance with the following paragraphs—

- (a) in Part I omit paragraph 19(2);
- (b) in Part II Tables II and IIA omit in both footnotes marked with a dagger the words “carcinogenic or”;
- (c) for Part II Table VI substitute the Table VI contained in Schedule 1 to these Regulations;
- (d) for Part II Table VIA substitute the Table VIA contained in Schedule 1 to these Regulations;
- (e) for Part III Tables 1 and 2 substitute Tables 1a, 1b and 2 contained in Schedule 2 to these Regulations; and
- (f) for Part III Table 5 substitute the Table contained in Schedule 3 to these Regulations.

### **Amendments to Schedule 5 of the principal Regulations**

5. For Schedule 5 Part II of the principal Regulations substitute the Part II contained in Schedule 4 to these Regulations.

### **Amendments to the Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations 2005**

6. In the Chemicals (Hazard Information and Packaging for Supply)(Amendment) Regulations 2005(4) omit regulation 2(2)(b), (4), (5) and (6).

### **Amendments to the Control of Major Accident Hazards Regulations 1999**

7. For regulation 20(6) of the Control of Major Accident Hazards Regulations 1999(5) substitute the following paragraph—

“(6) Notwithstanding the Health and Safety (Enforcing Authority) Regulations 1998, the Executive shall, for the purposes of the 1974 Act, be the enforcing authority for the relevant statutory provisions at an establishment to which any of these Regulations apply, unless a transfer of responsibility is made under paragraph (7) below.

(7) The responsibility, for the purposes of the 1974 Act, for enforcing any of the relevant statutory provisions at any establishment to which any of these Regulations apply may be transferred from the Executive to the local authority, insofar as the main activity carried on at that establishment is the sale of goods, or the storage of goods for retail or wholesale distribution, except—

- (a) at container depots where the main activity is the storage of goods in the course of transit to or from dock premises, an airport or a railway;
- (b) where the main activity is the sale or storage for wholesale distribution of any substance or preparation dangerous for supply, or
- (c) where the main activity is the sale or storage of water or sewage or their by-products or natural or town gas.

(8) A transfer may be made only by agreement between the Executive and the local authority.

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(4) S.I. 2005/2571.

(5) S.I. 1999/743 as amended by S.I. 2008/960, there are other amending instruments but none is relevant.

(9) Where a transfer has been made, the local authority shall cause notice of the transfer to be given to persons affected by it.”.

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

1st September 2008

*William D.McKenzie*  
Parliamentary Under-Secretary of State  
Department for Work and Pensions