
STATUTORY INSTRUMENTS

1994 No. 3247

The Chemicals (Hazard Information and Packaging for Supply) Regulations 1994

Citation and commencement

1. These Regulations may be cited as the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994 and shall come into force on 31st January 1995.

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;

“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⁽¹⁾ and adopted as respects the United Kingdom by the European Economic Area Act 1993⁽²⁾;

“approved classification and labelling guide” means the guide entitled “Approved Guide to the Classification and Labelling of Substances and Preparations Dangerous for Supply (2nd Edition)” approved by the Health and Safety Commission on 18th October 1994 for the purposes of these Regulations;

“approved supply list” means the list described in regulation 4;

“category of danger” means, in relation to a substance or preparation 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 or preparation dangerous for supply, classification in accordance with regulation 5;

“commercial sample” means, in relation to a substance or preparation dangerous for supply, a sample of that substance or preparation 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;

“concentration limits” means, in relation to a substance dangerous for supply, the concentration limits for the substance (if any) specified in column 4 of Part V of the approved supply list or, where that substance is not listed in the approved supply list or appears in it without specified concentration limits, it means the concentration limits for that substance ascertained from Part II of Schedule 3;

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

(1) The Agreement was amended by Decision 7/94 of the EEA Joint Committee of 21st March 1994 (OJ No. L 160, 28.6.94, p. 1). There are other amendments to the Agreement which are not relevant to these Regulations.
(2) 1993 c. 51.

- (a) in the case of a substance that is included in the approved supply list, the number (if any) specified in column 3 of Part V of that list;
- (b) in the case of a substance that is not included in the approved supply list or for which an EEC 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)(3); or
- (c) in the case of a substance that is a new substance within the meaning of regulation 2(1) of the Notification of New Substances Regulations 1993(4), the number for that substance (if any) listed in the European List of Notified Chemical Substances (ELINCS)(5);

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

“the Executive” means the Health and Safety Executive;

“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(1) of the Freight Containers (Safety Convention) Regulations 1984(6);

“index number” means, in relation to a substance dangerous for supply which appears in Part I of the approved supply list, the number for that substance specified in column 2 of that Part;

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

- (a) in the case of a substance dangerous for supply listed in Part I of the approved supply list, it is one or more indications of danger for that substance specified by a symbol-letter in column 3 of Part V of that list; or
- (b) in the case of a substance dangerous for supply not so listed or a preparation dangerous for supply, it is one or more indications of danger determined in accordance with the classification of that substance or preparation under regulation 5 and the approved classification and labelling guide;

“member State” means a State which is a Contracting Party to the Agreement, but until the Agreement comes into force in relation to Liechtenstein does not include the State of Liechtenstein;

“package” means, in relation to a substance or preparation dangerous for supply, the package in which the substance or preparation is supplied and which is liable to be individually handled during the course of the supply and includes the receptacle containing the substance or preparation and any other packaging associated with it and any pallet or other device which enables more than one receptacle containing a substance or preparation 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 or preparation dangerous for supply, as the context may require, 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;

“pesticide” shall be construed in accordance with paragraph 1 of Schedule 4;

(3) OJ No. C 146A, 15.6.90, p. 1.

(4) S.I. 1993/3050.

(5) OJ No. C 139, 29.5.91, p. 1.

(6) S.I. 1984/1890.

“poisons advisory centre” means a body approved for the time being for the purposes of regulation 14 by the Secretary of State for Health in consultation with the Secretaries of State for Scotland and Wales, the Health and Safety Commission and such other persons or bodies as appear to her to be appropriate;

“preparations” means mixtures or solutions of two or more substances;

“preparation dangerous for supply” means a preparation which is in one or more of the categories of danger specified in column 1 of Schedule 1;

“property” means, in relation to a substance or preparation 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 or preparation 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 or preparation dangerous for supply, a phrase listed in Part III of the approved supply list and in these Regulations specific risk phrases 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 or preparation dangerous for supply, a phrase listed in Part IV of the approved supply list and in these Regulations specific safety phrases 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 in which the safety phrase is required to be shown;

“substances” means chemical elements and their 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 Part I of 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 Schedule 1;

“supplier” means a person who supplies a substance or preparation 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 Great Britain of that substance or preparation;

“supply” in relation to a substance or preparation—

- (a) means, subject to sub-paragraph (b) and (c) below, supply of that substance or preparation, whether as principal or agent for another, 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;
- (b) for the purposes of sub-paragraphs (a) and (b) of regulation 16(2), except in relation to regulations 7 and 12, in any case for which by virtue of those sub-paragraphs the enforcing authority for these Regulations is the Royal Pharmaceutical Society or the local weights and measures authority, has the meaning assigned to it by section 46 of

the Consumer Protection Act 1987(7) and also includes offer to supply and expose for supply; or

- (c) in relation to regulations 7 and 12 shall have the meaning assigned to it by regulations 7(2) and 12(12) respectively;

“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 or preparation 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) Subject to regulation 19, nothing in these Regulations shall prejudice any other requirement imposed by or under any enactment which relates to a substance or preparation dangerous for supply.

(4) Unless the context otherwise requires, any reference in these Regulations to—

- (a) a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations so numbered; and
 (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which the reference appears.

Application of these Regulations

3.—(1) These Regulations shall apply to any substance or preparation which is dangerous for supply except—

- (a) a substance or preparation which is dangerous by reason that it is a radioactive substance within the meaning of the Ionising Radiations Regulations 1985(8) but is not otherwise dangerous for supply;
 (b) a substance or preparation which is—
 (i) intended for use as an animal feeding stuff within the meaning of section 66(1) of the Agriculture Act 1970(9), and
 (ii) in a finished state intended for the final user;
 (c) a cosmetic product within the meaning of regulation 2(1) of the Cosmetic Products (Safety) Regulations 1989(10) (including any aerosol dispenser containing a cosmetic product);
 (d) a substance or preparation which is—
 (i) intended for use as a medicinal product within the meaning of section 130 of the Medicines Act 1968(11), or
 (ii) a substance or preparation specified in an order made under section 104 or 105 of the Medicines Act 1968 which is for the time being in force and which directs that specified provisions of that Act shall have effect in relation to that substance or

(7) 1987 c. 43.

(8) S.I. 1985/1333.

(9) 1970 c. 40; section 66(1) was modified by S.I. 1991/2840.

(10) S.I. 1989/2233.

(11) 1968 c. 67.

preparation as such provisions have effect in relation to medicinal products within the meaning of that Act;

- (e) a substance or preparation which is a controlled drug within the meaning of the Misuse of Drugs Act 1971(12) except that these Regulations shall apply to drugs which are excepted from section 4(1)(b) of that Act (which makes it unlawful to supply a controlled drug) by regulations made under section 7(1)(a) of that Act;
 - (f) a substance or preparation which is dangerous by reason that it contains disease producing micro-organisms but is not otherwise dangerous for supply;
 - (g) a substance or preparation which is a sample taken by an authority responsible for the enforcement of any requirement imposed by or under any enactment;
 - (h) munitions, and preparations which are supplied with a view to producing a practical effect by explosion or a pyrotechnic effect;
 - (i) a substance or preparation which is—
 - (i) intended for use as food within the meaning of section 1 of the Food Safety Act 1990(13), and
 - (ii) in a finished state intended for the final user;
 - (j) a substance or preparation which is under customs control;
 - (k) subject to Council Regulation EC 2455/92(14) on the export notification and information exchange of dangerous substances, a substance or preparation which is intended for export to a country which is not a member State;
 - (l) a pesticide which has been approved under the Food and Environment Protection Act 1985(15);
 - (m) a substance or preparation 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;
 - (n) a substance to which paragraph (7) of regulation 6 of the Notification of New Substances Regulations 1993 applies (including new substances not yet fully tested) which is labelled in accordance with the provisions of that paragraph; or
 - (o) substances, preparations and mixtures thereof in the form of wastes which are covered by Council Directives 91/156/EEC(16) and 91/689/EEC(17).
- (2) Regulations 8 to 12 shall only apply to substances or preparations dangerous for supply which are supplied in packages.
- (3) Regulations 8 to 12 shall not apply to—
- (a) substances which are supplied with a view to producing a practical effect by explosion or a pyrotechnic effect; or
 - (b) propane, butane or liquefied petroleum gas.
- (4) Paragraph (3) of regulation 9, paragraph (1) of regulation 10 and paragraph (3) of regulation 12 shall notwithstanding paragraph (1) apply to the preparations referred to in those paragraphs (unless expressly otherwise provided for) whether or not those preparations would otherwise be dangerous for supply within the meaning of regulation 2(1).

(12) 1971 c. 38.

(13) 1990 c. 16.

(14) OJ No. L 251, 29.8.92, p. 13.

(15) 1985 c. 48.

(16) OJ No. L 78, 26.3.91, p. 32.

(17) OJ No. L 377, 31.12.91, p. 20.

(5) Where a substance or preparation dangerous for supply has been imported for delivery to its importer at his place of work, the provisions of these Regulations which relate to the labelling of that substance or preparation shall not apply until ten days after it has been delivered to the importer, if during that period it is not—

- (a) supplied to any other person; or
 - (b) subjected to any form of manipulation, treatment or processing which results in the substance or preparation being exposed, or for any purpose (other than labelling in accordance with these Regulations) which results in any receptacle containing the substance or preparation being removed from its outer packaging.
- (6) These Regulations shall not extend to Northern Ireland.

Meaning of the approved supply list

4. The “approved supply list” means the list entitled “Information Approved for the Classification and Labelling of Substances and Preparations Dangerous for Supply (2nd Edition)” approved by the Health and Safety Commission on 18 October 1994 for the purposes of these Regulations and comprises—

- (a) in Part I—
 - (i) in column 1, a list of the names of the substances for which the Commission has approved information, and
 - (ii) in the corresponding entries in columns 2 and 3 respectively the index number and (if any) the CAS Number (for reference only) for the substance;
- (b) in Part II—
 - (i) in column 1, a list of the index numbers of the substances for which the Commission has approved information, and
 - (ii) in the corresponding entries in column 2 the names of those substances;
- (c) in Part III, a numbered list of the risk phrases and combinations of risk phrases which the Commission has approved;
- (d) in Part IV, a numbered list of the safety phrases and combinations of safety phrases which the Commission has approved;
- (e) in Part V, the information which the Commission has approved for each substance referred to in Part I, namely—
 - (i) in column 1, the index number and abbreviated name (for reference only), and
 - (ii) in the corresponding entries in columns 2 to 4, respectively the classification, the labelling data (including the EEC Number) and any concentration limits which the Commission has approved for the substance for the classification of preparations containing that substance;
- (f) in Part VI, a list of the conventional oral toxicity (LD50) values which the Commission has approved in relation to pesticides for the purpose of classifying those pesticides in accordance with Schedule 4,

together with such notes and explanatory material as are requisite for the use of the list.

Classification of substances and preparations dangerous for supply

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

(2) In the case of a substance which is listed in the approved supply list, the classification shall be that specified in the entry for that substance in column 2 of Part V of that list.

(3) In the case of a substance which is a new substance within the meaning of regulation 2(1) of the Notification of New Substances Regulations 1993(18) and which has been notified in accordance with regulation 4 or 6(1) or (2) of those Regulations, the substance shall be classified in conformity with that notification.

(4) 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 thereto in column 2 and by assigning appropriate risk phrases by the use of the criteria set out in the approved classification and labelling guide.

(5) Subject to paragraph (6), a preparation to which these Regulations apply shall be classified as dangerous for supply in accordance with Schedule 3 by the use of the criteria set out in the approved classification and labelling guide.

(6) A preparation which is intended for use as a pesticide (other than a pesticide which has been approved under the Food and Environment Protection Act 1985) shall be classified as dangerous for supply in accordance with Schedule 4.

Safety data sheets for substances and preparations dangerous for supply

6.—(1) Subject to paragraphs (2) and (5), the supplier of a substance or preparation dangerous for supply shall provide the recipient of that substance or preparation with a safety data sheet containing information under the headings specified in Schedule 5 to enable the recipient of that substance or preparation 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 another place of work and its curtilage to another place of work in the same ownership; or
- (c) returning substances or preparations to the person who supplied them, providing that the properties of that substance or preparation remain unchanged.

(3) The supplier shall keep the safety data sheet up to date and revise it forthwith 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 or preparation 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 or preparation 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 or preparation in the last 12 months and the changes in it shall be brought to their notice.

(5) Safety data sheets need not be provided with substances or preparations dangerous for supply sold to the general public in circumstances to which regulation 16(2)(a) or (b) applies (relating to supply from a shop etc.) if sufficient information is furnished to enable users to take the necessary measures as regards the protection of health and safety, except that safety data sheets shall be provided free of charge at the request of persons who intend the substance or preparation to be used

at work, but in those circumstances paragraph (4) (in so far as it relates to the subsequent provision of revised data sheets) shall not apply to such requests.

(6) The particulars required to be given in the safety data sheets shall be in English, except that where a substance or preparation 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 section 46 of the Consumer Protection Act 1987.

Packaging of substances and preparations dangerous for supply

8. The supplier of a substance or preparation which is dangerous for supply shall not supply any such substance or preparation unless it is in a package which is suitable for that purpose, and in particular, unless—

- (a) the receptacle containing the substance or preparation and any associated packaging are designed, constructed, maintained and closed so as to prevent any of the contents of the receptacle from escaping when subjected to the stresses and strains of normal handling, except that this sub-paragraph shall not prevent the fitting of a suitable safety device;
- (b) the receptacle and any associated packaging, in so far as they are likely to come into contact with the substance or preparation, are made of materials which are neither liable to be adversely affected by that substance nor liable in conjunction with that substance to form any other substance which is itself a risk to the health or safety of any person; and
- (c) where the receptacle is fitted with a replaceable closure, that closure is designed so that the receptacle can be repeatedly re-closed without its contents escaping.

Labelling of substances and preparations dangerous for supply

9.—(1) Subject to regulations 9 and 10 of the Carriage of Dangerous Goods by Road and Rail (Classification, Packaging and Labelling) Regulations 1994⁽¹⁹⁾ (which allow combined carriage and supply labelling in certain circumstances) and paragraphs (5) to (9), a supplier shall not supply a substance or preparation which is dangerous for supply unless the particulars specified in paragraph (2) relating to a substance or in paragraph (3) relating to a preparation, as the case may be, are clearly shown in accordance with the requirements of regulation 11—

- (a) on the receptacle containing the substance or preparation; and
- (b) if that receptacle is inside one or more layers of packaging, on any such layer which is likely to be the outermost layer of packaging during the supply or the use of the substance or preparation, unless such packaging permits the particulars shown on the receptacle or other packaging to be clearly seen.

(2) The particulars required under paragraph (1) in relation to a substance dangerous for supply shall be—

- (a) the name and full address and telephone number of a person in a member State who is responsible for supplying the substance, whether he be its manufacturer, importer or distributor;

⁽¹⁹⁾ S.I. 1994/669.

- (b) the name of the substance, being the name or one of the names for the substance listed in Part I of the approved supply list, or if it is not so listed an internationally recognised name; and
 - (c) the following particulars ascertained in accordance with Part I of Schedule 6, namely—
 - (i) the indication or indications of danger and the corresponding symbol or symbols (if any),
 - (ii) the risk phrases (set out in full),
 - (iii) the safety phrases (set out in full), and
 - (iv) the EEC number (if any), and, in the case of a substance dangerous for supply which is listed in Part I of the approved supply list, the words “EEC label”.
- (3) The particulars required under paragraph (1) in relation to a preparation which is, or (where sub-paragraph (d) below applies) may be, dangerous for supply shall be—
- (a) the name and full address and telephone number of a person in a member State who is responsible for supplying the preparation, whether he be its manufacturer, importer or distributor;
 - (b) the trade name or other designation of the preparation;
 - (c) the following particulars ascertained in accordance with Part I of Schedule 6, namely—
 - (i) identification of the constituents of the preparation which result in the preparation being classified as dangerous for supply,
 - (ii) the indication or indications of danger and the corresponding symbol or symbols (if any),
 - (iii) the risk phrases (set out in full),
 - (iv) the safety phrases (set out in full),
 - (v) in the case of a pesticide, the modified information specified in paragraph 5 of Part I of Schedule 6, and
 - (vi) in the case of a preparation intended for sale to the general public, the nominal quantity (nominal mass or nominal volume); and
 - (d) where required by paragraph 5(5), of Part I of Schedule 3, the words specified in that paragraph.
- (4) Where the Executive receives a notification of a derogation provided for by paragraph 3(1) of Part I of Schedule 6, it shall forthwith inform the European Commission thereof.
- (5) Indications such as “non-toxic” or “non-harmful” or any other statement indicating that the substance or preparation is not dangerous for supply shall not appear on the package.
- (6) Except for the outermost packaging of a package in which a substance or preparation is transferred, labelling in accordance with this regulation shall not be required where a substance or preparation dangerous for supply is supplied by way of transfer from a factory, warehouse or other place of work and its curtilage to another place of work, if, at that other place of work it is not subject to any form of manipulation, treatment or processing which results in the substance or preparation dangerous for supply being exposed or, for any purpose other than labelling in accordance with these Regulations, results in any receptacle containing the substance or preparation being removed from its outer packaging.
- (7) Except in the case of a substance or preparation dangerous for supply for which the indication of danger is required to be explosive, very toxic or toxic or which is classified as sensitizing, labelling under this regulation shall not be required for such small quantities of that substance or preparation that there is no reason to fear danger to persons handling that substance or preparation or to other persons.

(8) Where, in the case of a substance or preparation dangerous for supply, other than a pesticide, the package in which the substance or preparation is supplied does not contain more than 125 millilitres of the substance or preparation, the risk phrases required by paragraph (2)(c)(ii) or (3)(c)(iii), and the safety phrases required by paragraph (2)(c)(iii) or (3)(c)(iv), as the case may be, need not be shown if the substance or preparation is classified only in one or more of the categories of danger, highly flammable, flammable, oxidising or irritant or in the case of substances not intended to be supplied to the public, harmful.

(9) Where, because of the size of the label, it is not reasonably practicable to provide the safety phrases required under paragraph (2)(c)(iii) or (3)(c)(iv), as the case may be, on the label, that information may be given on a separate label or on a sheet accompanying the package.

Particular labelling requirements for certain preparations

10.—(1) In the case of preparations to which Part II of Schedule 6 applies the appropriate provisions of that Part of the Schedule shall have effect to regulate the labelling of such preparations even if the preparations referred to in Part IIB of that Schedule would not otherwise be dangerous for supply.

(2) In the case of preparations packaged in aerosol dispensers, the flammability criteria set out in Part II of Schedule 1 shall have effect for the classification and labelling of those preparations for supply in place of the categories of danger “extremely flammable”, “highly flammable” or “flammable” set out in Part I of that Schedule, and where a dispenser contains a substance so classified, that dispenser shall be labelled in accordance with the provisions of paragraph 2 of the said Part II.

Methods of marking or labelling packages

11.—(1) Any package which is required to be labelled in accordance with regulations 9 and 10 may carry the particulars required to be on the label clearly and indelibly marked on a part of that package reserved for that purpose and, unless the context otherwise requires, any reference in these Regulations to a label includes a reference to that part of the package so reserved.

(2) Subject to paragraph (7), any label required to be carried on a package shall be securely fixed to the package with its entire surface in contact with it and the label shall be clearly and indelibly printed.

(3) The colour and nature of the marking shall be such that the symbol (if any) and wording stand out from the background so as to be readily noticeable and the wording shall be of such size and spacing as to be easily read.

(4) The package shall be so labelled that the particulars can be read horizontally when the package is set down normally.

(5) Subject to paragraph (7), the dimensions of the label required under regulation 9 shall be as follows—

Capacity of Package	Dimensions of label
(a) (a) not exceeding 3 litres	if possible at least 52 × 74 millimetres
(b) (b) exceeding 3 litres but not exceeding 50 litres	at least 74 × 105 millimetres
(c) (c) exceeding 50 litres but not exceeding 500 litres	at least 105 × 148 millimetres
(d) (d) exceeding 500 litres	at least 148 × 210 millimetres

(6) Any symbol required to be shown in accordance with regulation 9(2)(c)(i) or 9(3)(c)(ii) and specified in column 3 of Schedule 2 shall be printed in black on an orange-yellow background and its size (including the orange-yellow background) shall be at least equal to an area of one-tenth of that of a label which complies with paragraph (5) and shall not in any case be less than 100 square millimetres.

(7) If the package is an awkward shape or so small that it is unsuitable to attach a label complying with paragraphs (2) and (5), the label shall be attached in some other appropriate manner.

(8) The particulars required to be shown on the label shall be in English, except that where a substance or preparation is intended to be supplied to a recipient in another member State, the label may be in an official language of that State.

Child resistant fastenings and tactile warning devices

12.—(1) The British and International Standards referred to in this regulation are further described in Schedule 7.

(2) This regulation shall not apply in relation to a pesticide.

(3) Subject to paragraph (5), a person shall not supply a substance or preparation referred to in paragraph (4) in a receptacle of any size fitted with a replaceable closure unless the packaging complies with the requirements of BS EN 28317 or ISO 8317.

(4) Paragraph (3) shall apply to—

- (a) substances and preparations dangerous for supply which are required to be labelled with the indication of danger “very toxic”, “toxic”, or “corrosive”;
- (b) preparations containing methanol in a concentration equal to or more than 3% by weight;
- (c) preparations containing dichloromethane in a concentration equal to or more than 1% by weight;
- (d) liquid preparations having a kinematic viscosity measured by rotative viscometry in accordance with BS 2782 method 730 B or ISO 3291 of less than $7 \times 10^{-6} \text{m}^2 \text{s}^{-1}$ at 40°C and containing aliphatic or aromatic hydrocarbons or both in a total concentration equal to or more than 10% by weight, except where such a preparation is supplied in an aerosol dispenser.

(5) Paragraph (3) shall not apply if the person supplying it can show that it is obvious that the packaging in which the substance or preparation is supplied is sufficiently safe for children because they cannot obtain access to the contents without the help of a tool.

(6) If the packaging in which the substance or preparation is supplied was approved on or before 31 May 1993 by the British Standards Institution as complying with the requirements of the British Standards Specification BS 6652: 1989 it shall be treated in all respects as complying with the requirements of BS EN 28317.

(7) A person shall not supply a preparation dangerous for supply if the packaging in which the preparation is supplied has—

- (a) a shape or designation or both likely to attract or arouse the active curiosity of children or to mislead consumers; or
- (b) a presentation or a designation or both used for human or animal foodstuffs, medicinal or cosmetic products.

(8) A person shall not supply a substance or preparation referred to in paragraph (9) in a receptacle of any size, unless the packaging carries a tactile warning of danger in accordance with BS 7280 or EN Standard 272.

(9) Paragraph (8) shall apply to substances and preparations dangerous for supply which are required to be labelled with the indication of danger “very toxic”, “toxic”, “corrosive”, “harmful”, “extremely flammable” or “highly flammable”.

(10) A duly authorised officer of the enforcing authority, for the purpose of ascertaining whether there has been a contravention of paragraph (3) may require the person supplying a substance or preparation to which that paragraph applies to provide him with a certificate from a qualified test house stating that—

- (a) the closure is such that it is not necessary to test to BS EN 28317 or ISO 8317; or
- (b) the closure has been tested and found to conform to that standard.

(11) For the purpose of paragraph (10) a “qualified test house” means a laboratory that conforms to BS 7501 or EN 45 000.

(12) In this regulation, “supply” means offer for sale, sell or otherwise make available to the general public.

Retention of classification data for substances and preparations dangerous for supply

13. A person who classifies a substance in accordance with regulation 5(4) or a preparation dangerous for supply 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 or preparation was supplied by him for the last time and shall make the record or a copy of it available to the appropriate enforcing authority referred to in regulation 16(2) at its request.

Notification of the constituents of certain preparations dangerous for supply to the poisons advisory centre

14.—(1) This regulation shall apply to any preparation which is classified on the basis of one or more of its health effects referred to in column 1 of Schedule 1.

(2) Subject to regulation 17 (transitional provisions), the supplier of a preparation to which this regulation applies shall, if it was first supplied before these Regulations came into force (or, if it was first supplied after that date, before first supplying it), notify the poisons advisory centre of the information required to be in the safety data sheet prepared for the purposes of regulation 6 relating to the preparation.

(3) The supplier shall ensure that the information supplied to the poisons advisory centre in pursuance of paragraph (2) is kept up to date.

(4) The poisons advisory centre shall only disclose any information sent to it in pursuance of paragraph (2) or (3) on a request by, or by a person working under the direction of, a registered medical practitioner in connection with the medical treatment of a person who may have been affected by the preparation.

Exemption certificates

15.—(1) Subject to paragraph (2) and to any of the provisions imposed by the Community in respect of the free movement of dangerous substances and preparations, the Executive may by a certificate in writing exempt any person or class of persons, substance or preparation to which these Regulations apply, or class of such substances or preparations, 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 Executive 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 it proposes to attach to the exemption; and

(b) any requirements imposed by or under any enactments which apply to the case, it 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, civil liability and defence

16.—(1) Insofar as any provision of regulations 5 to 14 is made under section 2 of the European Communities Act 1972⁽²⁰⁾—

- (a) subject to paragraph (2), the provisions of the Health and Safety at Work etc. Act 1974⁽²¹⁾ which relate to the approval of codes of practice and their use in criminal proceedings, to enforcement and to offences shall apply to that provision as if that provision had been made under section 15 of that Act; and
- (b) a breach of a duty imposed by that provision shall confer a right of action in civil proceedings, insofar as that breach of duty causes damage.

(2) Notwithstanding regulation 3 of the Health and Safety (Enforcing Authority) Regulations 1989⁽²²⁾, the enforcing authority for these Regulations shall be the Executive, except that—

- (a) where a substance or preparation dangerous for supply is supplied in or from premises which are registered under section 75 of the Medicines Act 1968⁽²³⁾, the enforcing authority shall be the Royal Pharmaceutical Society;
- (b) where a substance or preparation dangerous for supply is supplied otherwise than as in sub-paragraph (a) above—
 - (i) in or from any shop, mobile vehicle, market stall or other retail outlet, or
 - (ii) otherwise to members of the public, including by way of free sample, prize or mail order,the enforcing authority shall be the local weights and measures authority; and
- (c) for regulations 7 and 12, the enforcing authority shall be the local weights and measures authority.

(3) In every case where by virtue of paragraph (2) these Regulations are enforced by the Royal Pharmaceutical Society or the local weights and measures authority, they shall be enforced as if they were safety regulations made under section 11 of the Consumer Protection Act 1987⁽²⁴⁾ and the provisions of section 12 of that Act shall apply to these Regulations as if they were safety regulations and as if the maximum period of imprisonment on summary conviction specified in subsection (5) thereof were 3 months instead of 6 months.

(4) 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.

Transitional provisions

17.—(1) Until 31st July 1995 it shall be a sufficient compliance with the requirements of these Regulations (except regulation 12(3)) if a substance or preparation is classified, packaged and labelled and a safety data sheet provided for it in accordance with the Chemicals (Hazard Information

⁽²⁰⁾ 1972 c. 68.

⁽²¹⁾ 1974 c. 37; section 15 was amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraph 6.

⁽²²⁾ S.I. 1989/1903.

⁽²³⁾ 1968 c. 67.

⁽²⁴⁾ 1987 c. 43.

and Packaging) Regulations 1993(25) as in force immediately before these Regulations came into force.

(2) Until 31st July 1995 it shall be a sufficient compliance with regulation 12(3) (relating to child resistant fastenings) if the packaging complies with the requirements of the Child Resistant Packaging (Safety) Regulations 1986(26) as in force immediately before these Regulations came into force.

(3) Until 1st March 1995 in any case in which—

- (a) the package or receptacle in which one or more substances or preparations dangerous for supply is supplied contains a total quantity of 25 litres or less;
- (b) the substances or preparations were packaged and labelled before 1st September 1994 and were not removed from their package or receptacle since that date; and
- (c) it was not reasonably practicable either—

- (i) to repackage and relabel the substances or preparations before they were supplied, or
- (ii) to supply them on a date earlier than the date on which they were in fact supplied,

it shall be a sufficient compliance with the requirements of these Regulations (not being the requirement to provide the safety data sheets described in regulation 6(1)) if the substances or preparations are classified, packaged and labelled in accordance with the Classification, Packaging and Labelling of Dangerous Substances Regulations 1984(27) as in force immediately before 1st September 1993 (on which date the Chemicals (Hazard Information and Packaging) Regulations 1993 came into force).

(4) Regulation 14 (notification to the poisons advisory centre) shall not apply until the date on which the Secretary of State has approved the poisons advisory centre and it shall be a sufficient compliance with that regulation if the information required to be provided in relation to any preparation is received by the poisons advisory centre—

- (a) in the case of a preparation which is required to have the indication of danger, very toxic, toxic or corrosive, before 6 months after that date;
- (b) in the case of a preparation which is required to have the indication of danger, harmful or irritant, before 1 year after that date; or
- (c) in either case, before such later date as the Executive may approve.

Extension outside Great Britain

18. These Regulations shall apply to any activity outside Great Britain to which sections 1 to 59 and 80 to 82 of the Health and Safety at Work etc. Act 1974 apply by virtue of the Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 1989(28) as they apply to activities within Great Britain.

Revocations and modifications

19.—(1) The following Regulations are revoked:—

- (a) the Child Resistant Packaging (Safety) Regulations 1986(29);
- (b) the Child Resistant Packaging (Safety) (Amendment) Regulations 1990(30);

(25) S.I. 1993/1746.

(26) S.I. 1986/758, amended by S.I. 1990/1736 and S.I. 1993/1546.

(27) S.I. 1984/1244, amended by S.I. 1986/1922, 1988/766, 1989/2208 and 1990/1255.

(28) S.I. 1989/840.

(29) S.I. 1986/758.

(30) S.I. 1990/1736.

- (c) the Child Resistant Packaging (Safety) (Amendment) Regulations 1993(31);
 - (d) the Chemicals (Hazard Information and Packaging) Regulations 1993(32);
- (2) Where a substance or preparation dangerous for supply is required to be labelled in accordance with these Regulations and is so labelled, that labelling shall be deemed to satisfy the requirements of—
- (a) section 5 of the Petroleum (Consolidation) Act 1928(33) including that section as applied to any dangerous substance by an Order in Council made under section 19 of that Act;
 - (b) regulation 6 of the Highly Flammable Liquids and Liquefied Petroleum Gases Regulations 1972(34); and
 - (c) regulations 3 and 4 of the Farm and Garden Chemicals Regulations 1971(35).
- (3) The following Local Acts shall be modified in accordance with sub-paragraphs (a) and (b) below—
- (a) in section 4 of Part II of the London County Council (General Powers) Act 1912(36), for the definition of “flash point” there shall be substituted the following definition—
 - ““flash point” means the flash point determined in accordance with Part III of Schedule 1 to the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994 (S.I. 1994/3247)”;
 - (b) in section 38 of the London Building Acts (Amendment) Act 1939(37) for subsection (2A), there shall be substituted the following subsection—
 - “(2A) In this section, “flash point” means the flash point determined in accordance with Part III of Schedule 1 to the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994 (S.I. 1994/3247).”.
- (4) In the first Note following the table in Part II of Schedule 2 to the Control of Industrial Major Accident Hazards Regulations 1984(38) for the words “the [Chemicals \(Hazard Information and Packaging\) Regulations 1993 \(S.I. No 1746\)](#)” there shall be substituted the words “the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994 (S.I. 1994/3247)”
- (5) In note 2 to Schedule 1 of the Dangerous Substances in Harbour Areas Regulations 1987(39) for the words “the Chemicals (Hazard Information and Packaging) Regulations 1993” there shall be substituted the words “the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994 (S.I. 1994/3247)”.
- (6) In paragraph 1(1)(a) of Schedule 2 to the Control of Asbestos at Work Regulations 1987(40) for the words “the Chemicals (Hazard Information and Packaging) Regulations 1993 (S.I. 1993/1746)” there shall be substituted the words “the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994 (S.I. 1994/3247)”.
- (7) In regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1989(41)—
- (a) in the definition of “preparation dangerous for supply” for the words “the Chemicals (Hazard Information and Packaging) Regulations 1993 (S.I. 1993 No. 1746)” there shall

(31) S.I. 1993/1546.

(32) S.I. 1993/1746.

(33) 1928 c. 32; relevant amending instruments are S.I. 1992/1811 and S.I. 1993/1746.

(34) S.I. 1972/917, to which there are amendments not relevant to these Regulations.

(35) S.I. 1971/729.

(36) 1912 c. civ; section 4 was amended by section 4 of the [Greater London Council \(General Powers\) Act 1981 \(c.xvii\)](#).

(37) 1939 c. xcvi; section 38 was amended by section 5 of the [Greater London Council \(General Powers\) Act 1981 \(c.xvii\)](#).

(38) S.I. 1984/1902, relevant amending instrument is S.I. 1990/2325.

(39) S.I. 1987/37.

(40) S.I. 1987/2115, relevant amending instrument is S.I. 1994/669.

(41) S.I. 1989/1903, relevant amending instrument is S.I. 1994/669.

- be substituted the words “the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994 (S.I. 1994/3247)”; and
- (b) in the definition of “substance dangerous for supply” for the words “the Chemicals (Hazard Information and Packaging) Regulations 1993” there shall be substituted the words “the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994”.
- (8) The Notification of New Substances Regulations 1993⁽⁴²⁾ shall be amended as follows—
- (a) in regulation 2(1) in the definition of “the approved supply list” for the words “the Chemicals (Hazard Information and Packaging) Regulations 1993” there shall be substituted the words “the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994 (S.I. 1994/3247)”; and
- (b) in regulations 4(d), 6(7) and 18(3)(h) in each place where the words occur, for the words “the Chemicals (Hazard Information and Packaging) Regulations 1993” there shall be substituted the words “the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994”.
- (9) The provisions of the Petroleum (Consolidation) Act 1928 referred to in column 1 of Part I of Schedule 8 and the provisions of the instruments referred to in column 1 of Part II of that Schedule (all of which relate to the flash points of flammable liquids) shall be modified to the extent specified in the corresponding entries in column 2 of that Schedule.
- (10) In the Carriage of Dangerous Goods by Road and Rail (Classification, Packaging and Labelling) Regulations 1994⁽⁴³⁾—
- (a) in regulation 2(1), for the definition of “the supply Regulations” there shall be substituted the following definition—
- ““the supply Regulations” means the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994 (S.I. 1994/3247), except that for the purposes of regulation 14 (transitional defences) it means the Chemicals (Hazard Information and Packaging) Regulations 1993 (S.I. 1993/1746 as amended by S.I. 1993/3050) excluding those amendments made by paragraphs 2 to 19, 21 to 29 and 31 to 33 of Schedule 9;”;
- (b) in regulation 11(5) for the words “regulation 14” there shall be substituted the words “regulation 11”; and
- (c) in paragraphs (1), (2)(a) and (3)(a) of regulation 14, the words “as in force immediately before these Regulations came into force” shall be deleted in each place where those words occur.
- (11) In regulation 3(2) of the Dangerous Substances and Preparations (Safety) (Consolidation) Regulations 1994⁽⁴⁴⁾ for the words “the Chemicals (Hazard Information and Packaging) Regulations 1993” there shall be substituted the words “the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994 (S.I. 1994/3247)”.
- (12) In regulation 2(1) of the Control of Substances Hazardous to Health Regulations 1994⁽⁴⁵⁾
- (a) in the definition of “approved supply list” for the words “regulation 4(1) of the Chemicals (Hazard Information and Packaging) Regulations 1993” there shall be substituted the words “regulation 4 of the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994 (S.I. 1994/3247)”; and
- (b) in sub-paragraph (a) of the definition of “carcinogen” for the words “the Chemicals (Hazard Information and Packaging) Regulations 1993” there shall be substituted the

(42) S.I. 1993/3050.

(43) S.I. 1994/669.

(44) S.I. 1994/2844.

(45) S.I. 1994/3246.

words “the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994”;
and

- (c) in sub-paragraph (a) of the definition of “substance hazardous to health” for the words “the Chemicals (Hazard Information and Packaging) Regulations 1993” there shall be substituted the words “the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994”.

Signed by order of the Secretary of State.

20th December 1994

Phillip Oppenheim
Parliamentary Under Secretary of State,
Department of Employment

20th December 1994

Ian Taylor
Parliamentary Under Secretary of State,
Department of Trade and Industry