

## 1986 No. 188

## HEALTH AND SAFETY

Notification of New Substances (Amendment) Regulations  
(Northern Ireland) 1986

Made . . . . . 25th June 1986

Coming into operation . . . . . 1st August 1986

The Department of Agriculture, the Department of Economic Development, the Department of the Environment and the Department of Health and Social Services being Departments designated by the European Communities (Designation) (No. 3) Order 1981(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the notification and control of substances, acting jointly in exercise of the power conferred on them by the said section 2 and acting jointly as the Department concerned(c) in exercise of the powers conferred by Article 17(1) and (2) of, and paragraphs 1(1) and 14(1) of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(d) and of every other power enabling them in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to them to be appropriate, hereby make the following Regulations:—

*Citation and commencement*

1. These Regulations may be cited as the Notification of New Substances (Amendment) Regulations (Northern Ireland) 1986 and shall come into operation on 1st August 1986.

*Amendment of the Notification of New Substances Regulations (Northern Ireland) 1985*

2. The Notification of New Substances Regulations (Northern Ireland) 1985(e) shall be amended as follows:—

(1) In regulation 4 (notification of new substances) after paragraph (4) there shall be added—

“(5) A manufacturer or importer who makes a notification, in accordance with paragraph (1), relating to a substance which is already listed in Part IA of the approved list as dangerous for supply need not send to the Department the declaration concerning adverse effects, particulars of the proposed classification and proposals relating to safe use, referred to respectively in sub-paragraphs (b), (c) and (d) of paragraph (1).

(6) In this regulation, “the approved list” has the meaning assigned to it by regulation 4 of the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985(f).”

(2) In regulation 10 (disclosure of information notified)—

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- (a) S.I. 1981/1536  
 (b) 1972 c. 68  
 (c) See Article 2(2) of S.I. 1978/1039 (N.I. 9)  
 (d) S.I. 1978/1039 (N.I. 9)  
 (e) S.R. 1985 No. 63  
 (f) S.R. 1985 No. 81

(a) in paragraph (3) for the word "Where" at the beginning there shall be substituted the words "Subject to regulation 9, where"; and after the words "to any other person" there shall be inserted the words "including the Commission of the European Communities or any member State"; and

(b) after paragraph (3) there shall be added—

"(4) A person who, under paragraph (3), indicates that certain information notified to the Department is commercially sensitive, shall forthwith notify the Department if he discloses that information to any other person."

(3) In Schedule 4 (categories of substances subject to regulation 4(3)) in item 5—

(a) in the entry in column 2, after the words "twelve months" there shall be inserted "by any manufacturer (whether in a member State or not)"; and

(b) in the entry in column 3, at the beginning there shall be inserted "(a)" and after that paragraph, there shall be added—

"(b) The Department has been supplied with a declaration signed by the manufacturer of the substance (whether in a member state or not) stating that the manufacturer has not supplied one tonne or more of the substance in any period of twelve months."

Sealed with the Official Seal of the Department of Agriculture on 25th June 1986.

(L.S.)

*K. E. Brady*

Assistant Secretary

Sealed with the Official Seal of the Department of Economic Development on 25th June 1986.

(L.S.)

*Suzanna Cooper*

Assistant Secretary

Sealed with the Official Seal of the Department of the Environment on 25th June 1986.

(L.S.)

*J. M. Irvine*

Assistant Secretary

Sealed with the Official Seal of the Department of Health and Social Services on 25th June 1986.

(L.S.)

*R. McMurray*

Assistant Secretary

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations amend the Notification of New Substances Regulations (Northern Ireland) 1985 ("the principal Regulations"). The principal Regulations implemented as respects Northern Ireland the provisions relating to the notification of substances of the Council Directive 79/831/EEC(a) ("the Directive") amending for the sixth time Council Directive 67/548/EEC(b) on the classification, packaging and labelling of dangerous substances.

Regulation 2(1) of these Regulations amends regulation 4 of the principal Regulations by providing for a simplified notification procedure for substances which, although new substances within the meaning of the principal Regulations, are also listed as dangerous for supply in the approved list relating to the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985. The approved list which is published by the Department of Economic Development is obtainable from Her Majesty's Stationery Office (ISBN 0 11 883712 5).

Regulation 2(2) of these Regulations amends regulation 10 of the principal Regulations to provide that the right of the European Commission to the data notified (established by regulation 9 of the principal Regulations) overrides the safeguards on commercially sensitive information provided under regulation 10(3) of the principal Regulations. It also inserts a new regulation 10(4) into the principal Regulations. This imposes a duty on any person who notifies the Department of Economic Development of any information which at the time he indicated was commercially sensitive to notify that Department if he discloses it to any other person.

Regulation 2(3) of these Regulations amends item 5 of Schedule 4 to the principal Regulations. This item provides for a simplified notification procedure in cases where the quantity of a new substance supplied is less than one tonne in any period of twelve months and the amendment provides that the one tonne limit applies to supply of a new substance in the Community market by manufacturers both inside and outside the European Community. Such manufacturers are also required to supply the Department with an additional declaration that they have not supplied one tonne or more of that substance in any period of twelve months.

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(a) OJ No. L259, 15.10.79, p. 10

(b) OJ No. L196, 16.8.67, p. 1 (OJ/SE 1967, p. 234)

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These Orders have been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. Summaries are given in the List of Statutory Rules of a Local Character under the heading ROADS.