

## 1990 No. 120

## HEALTH AND SAFETY

**Classification, Packaging and Labelling of Dangerous Substances (Amendment) Regulations (Northern Ireland) 1990**

*Made* . . . . . 21st March 1990

*Coming into operation* . . . . . 30th April 1990

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) Order 1976(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the regulation and control of classification, packaging and labelling of dangerous substances and preparations, acting jointly in exercise of the powers conferred on them by the said section 2(2) and acting jointly as the Department concerned(c) in exercise of the powers conferred by Articles 17(1), (4) and (6) and 55(2) of 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 Classification, Packaging and Labelling of Dangerous Substances (Amendment) Regulations (Northern Ireland) 1990 and shall come into operation on 30th April 1990.

*Interpretation*

2.—(1) In these Regulations—

“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(e);

“the principal Regulations” means the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985(f).

(2) The Interpretation Act (Northern Ireland) 1954(g) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(a) S.I. 1976/897.

(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) 1974 c. 37.

(f) S.R. 1985 No. 81, amended by S.R. 1988 No. 288 and S.R. 1989 No. 182.

(g) 1954 c. 33 (N.I.).

*Amendment to the principal Regulations*

3.—(1) In regulation 4 of the principal Regulations after ‘entitled “Information Approved for the Classification, Packaging and Labelling of Dangerous Substances (2nd Edition)”’ insert ‘as revised by the document approved by the Health and Safety Commission on 25th April 1989 and approved by the Department on 2nd January 1990 entitled “Revision No. 1 to the Second Edition of the CPL Approved List (Information Approved for the Classification, Packaging and Labelling of Dangerous Substances)”’.

(2) Regulation 4 of the principal Regulations as it will have effect after the coming into operation of this regulation is set out in the Schedule.

*Transitional provision*

4.—(1) Subject to paragraphs (2) and (3), where the Department has approved a revision to the approved list to which this paragraph relates, that revision shall not come into effect for the purposes of the principal Regulations until 30th October 1990 but until that date a supplier or consignor may classify and label a substance to which the revision relates in accordance with that revision.

(2) Paragraph (1) shall relate to the revisions to the approved list introduced by the document approved by the Health and Safety Commission on 25th April 1989 and approved by the Department on 2nd January 1990 and entitled ‘Revision No. 1 to the Second Edition of the CPL Approved List (Information Approved for the Classification, Packaging and Labelling of Dangerous Substances)’.

(3) In any proceedings for an offence under the principal Regulations consisting of supplying or conveying by road before 30th April 1991 a dangerous substance in a receptacle or package, with a capacity of 25 litres or less, which does not comply with the requirements of those Regulations, it shall be a defence for the person charged to prove—

- (a) that if the substance had been supplied or, as the case may be, had been conveyed by road before 30th October 1990 no offence would have been committed;
- (b) that the substance was packaged and labelled before 30th October 1990 and had not been removed from the receptacle or the package, as the case may be, after that date; and
- (c) that it was not reasonably practicable either—
  - (i) to relabel or repackage the substance before it was supplied, or conveyed by road, or
  - (ii) to supply it or convey it by road on a date earlier than it was in fact supplied or conveyed by road.

*Revocations*

5. Regulation 15 of, and the Schedule to, the Classification, Packaging and Labelling of Dangerous Substances (Amendment) Regulations (Northern Ireland) 1989(a) are hereby revoked.

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(a) S.R. 1989 No. 182.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 21st March 1990.

(L.S.)

*I. C. Henderson*

Assistant Secretary

Sealed with the Official Seal of the Department of Economic Development on 21st March 1990.

(L.S.)

*R. J. Minnis*

Assistant Secretary

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 21st March 1990.

(L.S.)

*Trevor Pearson*

Assistant Secretary

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 21st March 1990.

(L.S.)

*R. McMurray*

Assistant Secretary

**Regulation 4 of the principal Regulations as amended***Meaning of approved list*

4. In these Regulations, “approved list” means the list published by the Health and Safety Commission on 22nd April 1988 and approved by the Department on 15th May 1989 entitled “Information Approved for the Classification, Packaging and Labelling of Dangerous Substances (2nd Edition)” as revised by the document approved by the Health and Safety Commission on 25th April 1989 and approved by the Department on 2nd January 1990 entitled “Revision No. 1 to the Second Edition of the CPL Approved List (Information Approved for the Classification, Packaging and Labelling of Dangerous Substances)” which contains—

(a) in Part IA—

- (i) a list of those substances dangerous for supply for which the Department has approved an indication of general nature of risk, classification and certain risk and safety phrases, and
- (ii) a list of those substances dangerous for conveyance by road for which the Department has approved a substance identification number and a classification and in certain cases a packing group number and an indication of subsidiary risk;

(b) in Part IB, a list of those groups of substances dangerous for conveyance by road not specified in Part IA as dangerous for conveyance by road for which the Department has approved a substance identification number and in certain cases a packing group number and an indication of subsidiary risk;

(c) in Part IC, a list of those articles to which, by virtue of regulation 3(5), these Regulations relate as they relate to the conveyance by road of dangerous substances and for which the Department has approved a substance identification number and a classification;

(d) in Part II a list of substances dangerous for supply for which the Department has approved the classification for the purposes of Schedule 4 (classification of solvents);

(e) in Part III a list of substances dangerous for supply for which the Department has approved the classification for the purposes of Schedule 5 (classification of paints, varnishes, printing inks, adhesives and similar products);

(f) in Part IV a list of the risk phrases which the Department has approved for use with dangerous substances;

(g) in Part V a list of safety phrases which the Department has approved for use with dangerous substances;

(h) in Part VI a list of substances dangerous for supply for which the Department has approved a conventional LD50 value for the purpose of Schedule 3 (classification of pesticides); and

(i) in Part VII a list of the changes made to the previous edition of the approved list (as revised),

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

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

These Regulations amend the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985 ("the principal Regulations") to give effect with respect to Northern Ireland to the provisions of the Commission Directive 87/432/EEC (OJ No. L239, 21.8.87, p.1) adapting to technical progress for the eighth time Council Directive 67/548/EEC (OJ No. L196, 16.8.67, p.1) (OJ/SE 197, p.234) on the classification, packaging and labelling of dangerous substances in relation to substances dangerous for supply.

The Regulations also give effect to the 1986 recommendations of the United Nations Committee on the transport of dangerous goods in relation to substances dangerous for conveyance.

Both these objectives are achieved by a revision to the second edition of the approved list described in regulation 4 of the principal Regulations which is amended by regulation 3(1). The full text of regulation 4 to the principal Regulations as now amended is set out in the Schedule.

Regulation 4 contains a transitional provision which allows substances which are classified and labelled in accordance with the unrevised version of the approved list to be supplied until 30th October 1990 and additional provision is made in certain circumstances in relation to small packages until 30th April 1991.

Copies of the revision to the approved list which was published by the Health and Safety Commission and approved by the Department of Economic Development and is entitled "Revision No. 1 to the Second Edition of the CPL Approved List (Information Approved for the Classification, Packaging and Labelling of Dangerous Substances)" (ISBN 0 11 885504 2) are obtainable from Her Majesty's Stationery Office, 80 Chichester Street, Belfast BT1 4JY.