

1992 No. 460

**HEALTH AND SAFETY****Export of Dangerous Chemicals Regulations  
(Northern Ireland) 1992**

*Made* . . . . . 26th October 1992

*Coming into operation* . . . . . 29th November 1992

The Department of Economic Development, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the notification and control of substances, in exercise of the powers conferred on it by that section, and of every other power enabling it in that behalf, hereby makes the following Regulations:

*Citation and commencement*

1. These Regulations may be cited as the Export of Dangerous Chemicals Regulations (Northern Ireland) 1992 and shall come into operation on 29th November 1992.

*Interpretation*

2.—(1) In these Regulations—

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978(c);

“the principal Regulation” means Council Regulation (EEC) No. 2455/92 concerning the export and import of certain dangerous chemicals(d).

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

*Appointment of designated authority*

3. The Department of Economic Development shall be the designated authority competent for the notification and information procedures laid down by the principal Regulation.

*False or misleading information*

4. An exporter shall not provide information pursuant to the requirement in Article 4(1) of the principal Regulation knowing it to be false or misleading

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(a) S.I. 1981/1536

(b) 1972 c. 68

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

(d) OJ No. L251, 29.8.92, p. 13

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

in a material particular or being reckless as to whether it is false or misleading in a material particular.

*Enforcement and offences*

5.—(1) Subject to paragraph (2), the enforcement and offences provisions of the 1978 Order shall apply to any requirement or prohibition imposed upon an exporter by the principal Regulation or by regulation 4 as if the requirement or prohibition concerned had been imposed by regulations made under Article 17 of that Order.

(2) The Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1985(a) shall not apply to any requirement or prohibition referred to in paragraph (1).

Sealed with the Official Seal of the Department of Economic  
Development on 26th October 1992.

(L.S.)

*Philip B. Strong*

Assistant Secretary

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

These Regulations make provisions which are necessary to give full effect to Council Regulation (EEC) No. 2455/92 (OJ No. L251, 29.8.92, p. 13) (the Council Regulation). The principal purposes of the Council Regulation are first to establish a common system of notification and information for imports from and exports to countries which are not members of the European Economic Community of certain dangerous chemicals; and, second, to apply the international notification and "prior informed consent" procedure established by the United Nations Environment Programme and the Food and Agriculture Organisation.

Regulation 3 appoints the Department of Economic Development to be the designated authority for the notification and information procedures laid down by the Council Regulation.

Regulation 4 prohibits a person from providing information pursuant to Article 4(1) of the Council Regulation knowing it to be false or misleading in a material particular or being reckless as to whether it is false or misleading in a material particular.

Regulation 5(1) provides that the enforcement and offences provisions of the Health and Safety at Work (Northern Ireland) Order 1978 shall apply to any requirement or prohibition imposed upon an exporter by the Council Regulation or by regulation 4 as if the requirement or prohibition concerned had been imposed by regulations made under Article 17 of that Order. Regulation 5(2) has the effect that the Department of Economic Development will be the enforcing authority in respect of any requirement or prohibition referred to above.