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STATUTORY RULES OF NORTHERN IRELAND

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**1993 No. 412**

**Chemicals (Hazard Information and Packaging)  
Regulations (Northern Ireland) 1993**

**Application**

3.—(1) Subject to paragraphs (2) and (3), these Regulations shall apply to any substance or preparation which is dangerous for supply or carriage, except—

- (a) a substance or preparation which is dangerous for supply or carriage by reason only that it is a radioactive substance within the meaning of regulation 2(1) of the Ionising Radiations Regulations (Northern Ireland) 1985(1);
- (b) a substance or preparation which is—
  - (i) intended for use as a feeding stuff within the meaning of regulation 2(1) of the Feeding Stuffs Regulations (Northern Ireland) 1992(2); and
  - (ii) in a finished state intended for the final user;
- (c) a preparation which is intended for use as a cosmetic product within the meaning of regulation 2(1) of the Cosmetic Products (Safety) Regulations 1989(3) (including any aerosol containing a cosmetic product);
- (c) a substance or preparation which is intended for use as—
  - (i) a medicinal product within the meaning of section 130 of the Medicines Act 1968(4), 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 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 section 2(1) of the Misuse of Drugs Act 1971(5) 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 or offer to supply a controlled drug to another) by Regulations made under section 7(1) (a) of that Act;
- (f) a substance or preparation which is dangerous for supply or carriage by reason only that it contains disease producing micro-organisms; or
- (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 statutory provision.

(2) The provisions of these Regulations which relate to any substance or preparation which is dangerous for supply shall apply to any such substance or preparation which is supplied except—

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(1) S.R. 1985 No. 273  
(2) S.R. 1992 No. 270, as amended by S.R. 1993 No. 349  
(3) S.I. 1989/2233  
(4) 1968 c. 67  
(5) 1971 c. 38

- (a) munitions, and substances or preparations which are supplied with a view to producing a practical effect by explosion or a pyrotechnic effect;
  - (b) a substance or preparation which is:—
    - (i) intended for use as food within the meaning of Article 2(2) of the Food Safety (Northern Ireland) Order 1991<sup>(6)</sup>; and
    - (ii) in a finished state for the final user;
  - (c) a substance or preparation which is under customs control;
  - (d) subject to Council Regulation EC 2455/92<sup>(7)</sup> on the export and import of certain dangerous chemicals a substance or preparation which is intended for export to a country which is not a member State;
  - (e) a pesticide which has been approved under the Food and Environment Protection Act 1985<sup>(8)</sup>;
  - (f) 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;
  - (g) a substance to which regulation 4(4) of the Notification of New Substances Regulations (Northern Ireland) 1985 (which relates to certain new substances not yet fully tested) applies and which is labelled in accordance with the provisions of that regulation; or
  - (h) a substance or preparation to which Annex 1 of Council Directive 91/156/EEC<sup>(9)</sup> on waste and Article 1 of Council Directive 91/689/EEC<sup>(10)</sup> on hazardous waste apply.
- (3) The provisions of these Regulations which relate to any substance dangerous for carriage shall apply to any such substance which is carried except—
- (a) where the vehicle in which the substance is being carried is not being used for, or in connection with, work;
  - (b) where the receptacle in which the substance is being carried is a tank container having a volume of more than 3 cubic metres;
  - (c) a substance which has been assigned on classification to Class 1 in accordance with the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991<sup>(11)</sup>;
  - (d) a substance which is intended for use as food within the meaning of Article 2(2) of the Food Safety (Northern Ireland) Order 1991;
  - (e) where the substance is carried on, or in connection with an international transport operation within the meaning of the Convention concerning International Carriage by Rail (COTIF)<sup>(12)</sup> and the substance is packaged and labelled in accordance with the provisions of that Convention or of Regulations made under it;
  - (f) where the substance is carried on, or in connection with an international transport operation within the meaning of ADR and the carriage complies with the provisions of Annex A or Annex B of ADR or both as appropriate;
  - (g) where the carriage is an international transport operation which is subject to any special bilateral or multilateral agreement made under the terms of Article 4.3 of ADR to which the United Kingdom is a signatory and conforms with any conditions attached to that agreement;

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<sup>(6)</sup> S.I. 1991/762 (N.I. 7)

<sup>(7)</sup> O.J. No. L251. 29.8.92. p. 13

<sup>(8)</sup> 1985 c. 48

<sup>(9)</sup> O.J. No. L78, 26.3.91, p. 32

<sup>(10)</sup> O.J. No. L377, 31.12.91, p. 20

<sup>(11)</sup> S.R. 1991 No. 516

<sup>(12)</sup> Cmnd. 5897

- (h) where the vehicle carrying the substance dangerous for carriage is not for the time being subject to the provisions of ADR by reason only that it is a vehicle belonging to, or under the orders of, the armed forces of a country which is a signatory to ADR;
- (i) where the substance is being carried for or in connection with the carriage of that substance by sea and the substance is packaged and labelled in accordance with the appropriate provisions of the International Maritime Dangerous Goods Code issued by the International Maritime Organisation;
- (j) where the substance is being carried by road for or in connection with the carriage of that substance by air, and the substance is packaged and labelled in accordance with the appropriate provisions of the Technical Instructions for the Safe Transport of Dangerous Goods by Air issued by the International Civil Aviation Organisation;
- (k) where petroleum-spirit, which is intended for use as a fuel of any internal combustion engine and not wholly or partly for the purposes of sale, is carried in a container which conforms to the requirements of either—
  - (i) the Petroleum-spirit (Motor Vehicles, &c.) Regulations (Northern Ireland) 1930(**13**),  
or
  - (ii) regulations 3 to 5 of the Petroleum-Spirit (Plastic Containers) Regulations (Northern Ireland) 1983(**14**);and the quantity of petroleum-spirit so carried does not exceed the quantity specified in the appropriate Regulations;
- (l) where the substance is being carried in a vehicle being used on a road only for delivering goods between private premises and a vehicle in the immediate vicinity, or in passing from one part of such premises to another in the same ownership and in the immediate vicinity; or
- (m) insofar as the substance—
  - (i) is used solely in connection with the operation of the vehicle as a means of transport, and
  - (ii) is being carried in a tank which forms part of or is permanently attached to the vehicle or is in a battery;and any reference to a specified document shall operate as a reference to that document as revised or re-issued from time to time.

(4) Regulations 8 to 14 shall only apply to a substance or preparation dangerous for supply or carriage in packages.

(5) Notwithstanding paragraphs (1) and (2), regulation 13(1) shall apply to the preparations referred to in that paragraph (unless expressly otherwise provided for in that paragraph) whether or not those preparations are otherwise dangerous for supply within the meaning of regulation 2(1).

(6) These Regulations insofar as they apply to the carriage of substances dangerous for carriage shall also apply to the articles specified in Part 3 of the approved carriage list as they apply to such substances dangerous for carriage.

(7) 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

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(13) S. R. & O (N.I.) 1930 No. 11 (p, 330)

(14) S.R. 1983 No. 43

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- (b) subjected to any form of manipulation, treatment or processing which results in the substance 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.