

1994 No. 224

EUROPEAN COMMUNITIES

PUBLIC HEALTH

**The Marketing and Use of Dangerous Substances (No. 3)
Regulations (Northern Ireland) 1994**

Made 17th June 1994

Coming into operation 1st August 1994

The Department of the Environment, being a department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to restrictions on the marketing and use of certain dangerous substances and preparations, 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 Marketing and Use of Dangerous Substances (No. 3) Regulations (Northern Ireland) 1994 and shall come into operation on 1st August 1994.

Interpretation

2.—(1) In these Regulations—

“CAS Number” means a number described in the CAS Registry Handbook, ISSN 0093-058X, published in instalments from 1965 to 1971 with supplements for 1972 to 1976, 1977 to 1981, 1982 to 1986 and 1987 to 1991 by the Chemical Abstracts Service, American Chemical Society, Columbus, Ohio, USA;

“dangerous substances” means DBBT, Ugilec 141, Ugilec 121 and Ugilec 21 and preparations containing them;

“DBBT” means monomethyl-dibromo-diphenyl methane, CAS Number 99688-47-8;

“preparations” and “substances” have the meanings assigned by Article 1.3 of Council Directive 76/769/EEC(c);

“Ugilec 121” and “Ugilec 21” mean monomethyl-dichloro-diphenyl methane; and

(a) S.I. 1992/1711

(b) 1972 c. 68

(c) O.J. No. L262, 27.9.76, p. 201

“Ugilec 141” means monomethyl-tetrachloro-diphenyl methane, CAS Number 76253-60-6.

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

Application

3. These Regulations shall not apply to—

- (a) the carriage of dangerous substances by rail, road, inland waterway, sea or air, or
- (b) the export of dangerous substances to a destination in the territory of a state which is not a member State, or
- (c) the holding of dangerous substances in transit, provided that during that time they undergo no processing and are available for examination by customs officers of the United Kingdom, or
- (d) the marketing or use of dangerous substances for research and development or analysis purposes.

Ugilec 141

4.—(1) Subject to paragraph (2), no person shall market or use—

- (a) the substance known as Ugilec 141, or
- (b) any preparations or products containing that substance.

(2) Paragraph (1) shall not apply to—

- (a) the use in plant or machinery, by a person having that plant or plant or machinery in service on 18th June 1994, of the said substance, preparations or products, or
- (b) the marketing, for use in the maintenance of plant or machinery by a person having that plant or machinery in service on 18th June 1994, of the said substance, preparations or products.

(3) No person shall place on the secondhand market Ugilec 141, or any preparation, plant or machinery which contains that substance.

Ugilec 121 or Ugilec 21

5. No person shall market or use the substance known as Ugilec 121 or Ugilec 21, or any preparations or products containing that substance.

DBBT

6. No person shall market or use the substance known as DBBT or any preparations or products containing that substance.

Offences and penalties

7. A person who contravenes regulation 4, 5 or 6, or causes or permits another person to contravene any of those regulations, shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding £2,000(a) and, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.

Sealed with the Official Seal of the Department of the Environment on
17th June 1994.

(L.S.)

R. W. Rogers

Assistant Secretary

(a) See para 1(1)(d) of Sch. 2 to 1972 c. 68 read with Arts. 5 and 8 of the Fines and Penalties (Northern Ireland) Order 1984 (S.I. 1984/703 (N.I. 3)) as amended by Sch. 4 to S.R. 1984 No. 253

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations give effect to Council Directive 91/339/EEC (O.J. No. L186, 12.7.91, p. 64) which amended Council Directive 76/769/EEC (O.J. No. L262, 27.9.76, p. 201) on the approximation of the laws, regulations and administrative provisions of the member States relating to restrictions on the marketing and use of certain dangerous substances and preparations.

Regulation 4 prohibits the marketing and use of the substance known as Ugilec 141 and of preparations and products (including plant and machinery) containing Ugilec 141, subject to exceptions in relation to certain plant and machinery in service on 18th June 1994.

Regulations 5 and 6 prohibit the marketing and use of the substances known as Ugilec 121 or Ugilec 21, and DBBT.

Regulation 7 makes it a criminal offence to contravene regulation 4, 5 or 6, the penalty for which, on summary conviction, is a fine not exceeding £2,000. On conviction on indictment the penalty is a fine, or a term of imprisonment not exceeding 2 years, or both.

Copies of the relevant Directives and of extracts from the Official Journal of the European Communities may be obtained from Her Majesty's Stationery Office, 16 Arthur Street, Belfast BT1 4GD.