

SCHEDULE 3

Regulation 23

Amendments to the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2009

PART 1

References to Regulation (EU) No 649/2012

1. In paragraph (ii) of the Preamble, for “Regulation (EC) No 689/2008 of the European Parliament and of the Council of 17 June 2008 concerning the export and import of dangerous chemicals, of which Annexes I and V are as amended from time to time”, substitute “Regulation (EU) No. 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals, of which Annexes I, II, V and VI are as amended from time to time”.

2. In regulation 3(3)(c), for “Regulation (EC) No 689/2008 of the European Parliament and of the Council of 17 June 2008 concerning the export and import of dangerous chemicals, of which Annexes I and V are as amended from time to time”, substitute “Regulation (EU) No. 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals, of which Annexes I, II, V and VI are as amended from time to time”.

PART 2

Advertisements for dangerous preparations and penalties

3. After regulation 5 insert—

“Advertisements for dangerous preparations

5A.—(1) Subject to paragraph (2), a person who supplies a dangerous preparation shall not advertise that preparation, or arrange for the production of any such advertisement, unless mention is made in the advertisement of the type of hazard indicated on the label.

(2) Paragraph (1) shall apply only in respect of a dangerous preparation where the advertisement enables a person, otherwise than in the course of a business, to conclude a contract to purchase the dangerous preparation before that person has seen the label relating to the dangerous preparation.

(3) In this regulation, “supply” has the same meaning as it has in section 46 of the Consumer Protection Act 1987.”.

4. After regulation 14(1) insert—

“(1A) The maximum penalty for an offence under this regulation is—

- (a) on summary conviction, imprisonment for a term not exceeding three months or a fine not exceeding the statutory maximum, or both; and
- (b) on conviction on indictment, imprisonment for a term not exceeding two years, or a fine or both.”.