
STATUTORY INSTRUMENTS

1986 No. 1922

HEALTH AND SAFETY

The Classification, Packaging and Labelling of Dangerous Substances (Amendment) Regulations 1986

<i>Made - - - -</i>	<i>10th November 1986</i>
<i>Laid before Parliament</i>	<i>18th November 1986</i>
<i>Coming into Operation</i>	<i>9th December 1986</i>

The Secretary of State being the designated (a) Minister for the purpose 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, in the exercise of the powers conferred on him by the said section 2 and sections 15(1), (4)(a) and (6)(b) and 82(3)(a) of the Health and Safety at Work etc. Act 1974 (c) (“the 1974 Act”) and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act, after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Classification, Packaging and Labelling of Dangerous Substances (Amendment) Regulations 1986 and shall come into operation on 9th December 1986.

(2) In these Regulations—

“the principal Regulations” means the Classification, Packaging and Labelling of Dangerous Substances Regulations 1984(d).

Amendments to the principal Regulations

2. The principal Regulations shall be amended in accordance with the Schedule to these Regulations.

Transitional provision

3.—(1) Subject to Regulation 16 of the principal Regulations and the following paragraphs of this Regulation, where the Health and Safety Commission has approved a revision to the approved list, that revision shall not come into effect for the purposes of those Regulations until 9th June 1987 but until that date a supplier or consignor may classify and label a substance to which the revision relates in accordance with that revision.

(a) S.I. 1976/897.

(b) 1972 c.68.

(c) 1974 c.37; section 15 was amended by the Employment Protection Act 1975 (c.71), Schedule 15, paragraph 6.

(d) S.I. 1984/1244.

(2) Until 8th December 1987 in any proceedings for an offence under the principal Regulations consisting of supplying or conveying by road 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 9th December 1986 no offence would have been committed;
- (b) that the substance was packaged and labelled before 9th December 1986 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.

By order of the Secretary of State.

David Trippier,
Parliamentary Under Secretary of State,
Department of Employment.

31st October 1986.

Michael Howard,
Parliamentary Under Secretary of State,
Department of Trade and Industry.

10th November 1986.

SCHEDULE

Regulation 2

THE CLASSIFICATION, PACKAGING AND LABELLING OF DANGEROUS SUBSTANCES
REGULATIONS 1984

AMENDMENTS

Regulations and Schedule	Amendments
1. Regulation 4.	<p>(a) After 'entitled "Information Approved for the Classification, Packaging and Labelling of Dangerous Substances"' insert 'as revised by the document approved by the Health and Safety Commission on 5 August 1986 entitled "Revision No. 1 to the Approved List (Information Approved for the Classification, Packaging and Labelling of Dangerous Substances) incorporating information approved for the carriage by road of dangerous substances in packages etc."'.</p> <p>(b) In sub-paragraph (a) (ii) at the end delete the semi-colon and insert "and in certain cases a packing group number and a subsidiary risk;".</p> <p>(c) In sub-paragraph (b) at the end delete the semi-colon and insert "and in certain cases a packing group number and a subsidiary risk;".</p> <p>(d) In sub-paragraph (f) at the end after the semi-colon delete "and".</p> <p>(e) In sub-paragraph (g) at the end delete the comma and insert "; and".</p> <p>(f) After sub-paragraph (g) insert the following sub-paragraph— “(h) in Part VI a list of substances dangerous for supply for which the Commission has approved a conventional LD50 value for the purpose of Schedule 3 (classification of pesticides);”.</p>
2. Regulation 9.	<p>(a) In paragraph 2(a) for "Great Britain" substitute "the United Kingdom".</p> <p>(b) In paragraph (2)(c) after "the nature of the dangers to which the substance may give rise" insert "(including any subsidiary risk that is specified in column 8 of Part 1A or B of the approved list for that substance)".</p>
3. Schedule 3.	<p>At the end of paragraph 2(3)(c) delete the full stop and insert "and in this sub-paragraph where the active ingredient is listed in column 1 of Part VI of the approved list, its toxicity shall be taken as the conventional LD50 value given in the corresponding entry in column 2 of that Part."</p>

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Classification, Packaging and Labelling of Dangerous Substances Regulations 1984 ("the principal Regulations") to give effect with respect to Great Britain to the provisions of—

- (a) Commission Directive 83/467/EEC (OJ No L 257, 16.9.83, p.1) adapting to technical progress for the fifth time Council Directive 67/548/EEC (OJ No 196, 16.8.67 p.1) (OJ/SE 1967, p.234) on the classification, packaging and labelling of dangerous substances; and
- (b) Commission Directive 84/291/EEC (OJ No L 144, 30.5.84, p.1) adapting Council Directive 78/631/EEC (OJ No L 206, 29.7.78 p.13) on the classification, packaging and labelling of dangerous preparations (pesticides).

This is achieved by a revision of the approved list described in Regulation 4 of the principal Regulations. This revision provides additional entries relating to substances which are dangerous for supply within the meaning of the principal Regulations and amends other such entries. It also provides conventional toxicity values for use in classifying pesticides in accordance with Schedule 3 to the principal Regulations.

In addition the revision incorporates in the approved list information approved by the Health and Safety Commission for the proposed Road Traffic (Carriage by Road in Packages etc.) Regulations.

The amendments to the principal Regulations required to give effect to the revision are set out in the Schedule to these regulations and Regulation 3 contains a transitional provision which allows substances which are labelled in accordance with the approved list in its unrevised form to be supplied until 9th June 1987 and additional provision is made under certain circumstances in relation to small packages until 8th December 1987.

Copies of the approved list which was published by the Health and Safety Commission on 10th October 1986 and is entitled—

“Revision No. 1 to the Approved List (Information Approved for the Classification, Packaging and Labelling of Dangerous Substances) incorporating information approved for the carriage by road of dangerous substances in packages etc.” (ISBN 0 11 883888 1)

are obtainable from Her Majesty's Stationery Office.