
STATUTORY INSTRUMENTS

1988 No. 766

**The Classification, Packaging and Labelling of
Dangerous Substances (Amendment) Regulations 1988**

Transitional provision

3.—(1) Subject to the following paragraphs of this regulation, where the Health and Safety Commission has approved a revision to the approved list to which this paragraph relates, that revision shall not come into effect for the purposes of the principal Regulations until 27th November 1988 but until that date a supplier or consignor may classify and label a substance to which the revision relates in accordance with that revision.

(2) Paragraph (1) of this regulation shall relate to the revisions to the approved list introduced by the document approved by the Health and Safety Commission on 9th February 1988 entitled “Information approved for the Classification, Packaging and Labelling of Dangerous Substances (2nd Edition)” and there set out in Part VII.

(3) Until 27th May 1989 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 27th May 1988 no offence would have been committed;
- (b) that the substance was packaged and labelled before 27th May 1988 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.