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STATUTORY RULES OF NORTHERN IRELAND

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**1993 No. 412**

**HEALTH AND SAFETY**

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

*Made* - - - - *11th October 1993*

*Coming into operation* *1st December 1993*

The Department of Economic Development, being a Department designated by the European Communities (Designation) Order 1976<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the regulation and control of classification, packaging and labelling of dangerous substances and preparations, in exercise of the powers conferred on it by the said section 2(2) and being the Department concerned<sup>(3)</sup> in exercise of the powers conferred by Articles 17(1) to (6), 54(1) and (4) and 55(2) of, and paragraphs 1(1), (4) and (5), and 2, 14 and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978<sup>(4)</sup> and of every other power enabling it in that behalf, after consultation in accordance with Articles 46(1) and 54(5) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to it to be appropriate, hereby makes the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 and shall come into operation on 1st Decemeber 1993.

**Interpretation**

2.—(1) In these Regulations—

“ADR” means the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957<sup>(5)</sup>, as revised or re-issued from time to time;

“approved carriage list” means the list described in regulation 4(2);

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(1) S.I. 1976/897  
(2) 1972 c. 68  
(3) See Article 2(2) of S.I. 1978/1039 (N.I. 9)  
(4) S.I. 1978/1039 (N.I. 9)  
(5) Cmnd. 734

“approved classification and labelling guide” means the guide approved by the Department and published by the Health and Safety Commission entitled “Approved Guide to the Classification and Labelling of Substances and Preparations Dangerous for Supply”;

“approved supply list” means the list described in regulation 4(1);

“carriage” means carriage by road on a vehicle and shall be construed in accordance with paragraph (2);

“category of danger” means in relation to—

- (a) a substance or preparation dangerous for supply, one of the categories of danger specified in Column 1 of Part I of Schedule 1; or
- (b) a substance dangerous for carriage, one of the classifications and categories of danger specified in Column 2 of Part I of Schedule 3;

“characteristic properties” in relation to a substance dangerous for carriage, means a property specified in Column 1 of Part I of Schedule 3;

“classification” shall be construed in the case of—

- (a) a substance or preparation dangerous for supply, as classification in accordance with regulation 5; or
- (b) a substance dangerous for carriage, as classification in accordance with regulation 7;

“commercial sample” in relation to a substance or preparation dangerous for supply means a sample of that substance or preparation provided to the recipient with a view to subsequent purchase;

“concentration limits” means in relation to a substance dangerous for supply, the concentration limits for the substance (if any) specified in Column 4 of Part V of the approved supply list, or where that substance is not listed in that list or appears therein without concentration limits being specified means the concentration limits for that substance determined in accordance with Part II of Schedule 4;

“consignor” means a person who consigns for carriage (whether as principal or as agent for another) a substance dangerous for carriage;

“the Department” means the Department of Economic Development;

“EEC number” in relation to a substance dangerous for supply means in the case of—

- (a) a substance that is included in the approved supply list, the number (if any) specified in Column 3 of Part V of that list;
- (b) a substance that is not included in the approved supply list or for which an EEC number is not given in Part V of that list, the number for that substance (if any) specified in the European Inventory of Existing Commercial Chemical Substances (EINECS)<sup>(6)</sup>; or
- (c) a substance that is a new substance within the meaning of regulation 2(1) of the Notification of New Substances Regulations (Northern Ireland) 1985<sup>(7)</sup> but which is not listed in the said European Inventory of Existing Commercial Chemical Substances (EINECS), the number for that substance (if any) listed in the European List of Notified Chemical Substances (ELINCS)<sup>(8)</sup>;

“the enforcing authority” shall be construed in accordance with regulation 19(2);

“flash point” means the flash point determined in accordance with Part III of Schedule 1;

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<sup>(6)</sup> O.J. No. C146A 15.6.90, p. 1

<sup>(7)</sup> S.R. 1985 No. 63, amended by S.R. 1986 No. 188 and S.R. 1991 No. 472

<sup>(8)</sup> O.J. No. C130, 10.5.93, p. 1

“freight container” means a container within the meaning of regulation 2 of the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992<sup>(9)</sup>;

“hazard warning sign” in relation to a substance dangerous for carriage means the sign shown in Column 3 of Part I of Schedule 3 for the classification shown in the corresponding entry in Column 2 of that Part and which sign is further specified in Part II of that Schedule;

“the Health and Safety Commission” means the Health and Safety Commission established under section 10 of the Health and Safety at Work etc. Act 1974<sup>(10)</sup>;

“index number” in relation to a substance dangerous for supply which appears in Part I of the approved supply list, means the number for that substance specified in Column 2 of that Part;

“indication of danger” in relation to a substance or preparation dangerous for supply, means one or more of the indications of danger referred to in Column 1 of Schedule 2 and in the case of—

- (a) a substance dangerous for supply listed in Part I of the approved supply list, one or more indications of danger for that substance specified by a symbol-letter in Column 3 of Part V of that list; or
- (b) a substance dangerous for supply not listed in Part I of the approved supply list or a preparation dangerous for supply, one or more indications of danger determined in accordance with the classification of that substance or preparation under regulation 5 and the approved classification and labelling guide;

“member State” means a country (other than the United Kingdom) which is a member of the European Communities;

“package” in relation to a substance or preparation dangerous for supply-or carriage means the package in which a substance or preparation dangerous for supply is supplied, or in which a substance dangerous for carriage is carried and which is liable to be individually handled during the course of the supply or carriage, as the case may be, and includes the receptacle containing the substance or preparation and any other packaging associated with it and any pallet or other device which enables more than one receptacle containing a substance or preparation dangerous for supply or carriage to be handled as a unit, but does not include—

- (a) a freight container (other than a tank container), a skip, a vehicle or other article of transport equipment; or
- (b) in the case of supply by way of retail sale, any wrapping such as a paper or plastic bag into which the package is placed when it is presented to the purchaser;

“packaging” in relation to a substance or preparation dangerous for supply or carriage means the receptacle, or any components, materials or wrappings associated with the receptacle for the purpose of enabling it to perform its containment function or both;

“pesticide” shall be construed in accordance with paragraph 1 of Schedule 5;

“petroleum-spirit” has the same meaning as in section 23(1) of the Petroleum (Consolidation) Act (Northern Ireland), 1929<sup>(11)</sup>;

“poisons advisory centre” means a body approved for the time being for the purposes of regulation 17 by the Department of Health and Social Services for Northern Ireland in consultation with the Department, the Health and Safety Agency for Northern Ireland and such other bodies as appear to it to be appropriate;

“preparation” means a mixture or solution of two or more substances;

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<sup>(9)</sup> S.R. 1992 No. 2

<sup>(10)</sup> 1974 c. 37

<sup>(11)</sup> 1929 c. 13 (N.I.) as amended by S.R. 1992 No. 413

“preparation dangerous for supply” means a preparation which is in one or more of the categories of danger specified in Column I of Part 1 of Schedule 1;

“property” in relation to a substance or preparation dangerous for supply, means a property described in Column 2 of Part I of Schedule 1 in accordance with the criteria set out in the approved classification and labelling guide;

“receptacle” in relation to a substance or preparation dangerous for supply or carriage means a vessel, or the innermost layer of packaging, which is in contact with that substance or preparation and which is liable to be individually handled when that substance or preparation is used and includes any closure or fastener;

“risk phrase” means in relation to a substance or preparation dangerous for supply, a phrase listed in Part III of the approved supply list and in these Regulations a specific risk phrase may be designated by the letter

“R” followed by a distinguishing number or combination of numbers notwithstanding that the risk phrase shall be quoted in full on any label or safety data sheet on which the risk phrase is required to be shown;

“road” means a road within the meaning of Article 2(2) of the Road Traffic (Northern Ireland) Order 1981(12);

“safety phrase” means in relation to a substance or preparation dangerous for supply a phrase listed in Part IV of the approved supply list and in these Regulations a specific safety phrase may be designated by the letter “S” followed by a distinguishing number or combination of numbers notwithstanding that the safety phrase shall be quoted in full on any label or safety data sheet in which the safety phrase is required to be shown;

“substance” means a chemical element and its compounds in the natural state or obtained by any production process, including any additive necessary to preserve the stability of the product and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition;

“substance dangerous for carriage” means—

- (a) a substance listed in Part 1 of the approved carriage list;
- (b) a substance which, while not listed in Part 1 of the approved carriage list, is in one of the groups of substances described in Part 2 of that list;
- (c) any other substance (including any preparation) which has one or more of the characteristic properties; or
- (d) any article specified in Part 3 of that list;

“substance dangerous for supply” means—

- (a) a substance listed in Part I of the approved supply list; or
- (b) any other substance which is in one or more of the categories of danger specified in Column 1 of Part 1 of Schedule 1;

“substance identification number” means in the case of—

- (a) a substance dangerous for carriage which is specified in Part 1 of the approved carriage list in Column 1, the substance identification number specified in the appropriate entry in Column 2 of that Part;
- (b) a substance which, although not specified as dangerous for carriage in Part 1 of the approved carriage list, is in one of the groups of substances dangerous for carriage described in Part 2 of that list in Column I, the substance identification number specified in the appropriate entry in Column 2 of that Part; or

- (c) an article specified in Part 3 of the approved carriage list in Column 1, the substance identification number specified in the appropriate entry in Column 2 of that Part;

“supplier” means a person who supplies a substance or preparation dangerous for supply, and in the case of a substance which is imported (whether or not from a member State) includes the importer established in Northern Ireland of that substance or preparation;

“supply” in relation to a substance or preparation dangerous for supply—

- (a) means, subject to sub-paragraph (b), supply of that substance or preparation in the course of or for use at work, by way of—

- (i) sale or offer for sale, lease, hire or hire purchase,
- (ii) commercial sample, or
- (iii) transfer from a factory, warehouse or other place of work and its curtilage to another place of work,

whether or not in the same ownership,

- (b) whether as principal or agent for another; or for the purposes of sub-paragraphs (a) and (b) of regulation 19(2), in any case for which by virtue of those sub-paragraphs the enforcing authority for these Regulations is the Department of Health and Social Services or the district council, has the meaning assigned to it by Article 3 of the Consumer Protection (Northern Ireland) Order 1987(13) and also includes offer to supply and expose for supply;

“symbol” means the symbol shown in Column 3 of Schedule 2 for the indication of danger shown in Column 1 of that Schedule;

“symbol-letter” means the letter shown in the corresponding entry in Column 2 of Schedule 2; and

“the transport rules” shall be construed in accordance with regulation 12(1).

(2) For the purposes of these Regulations, a substance which is dangerous for carriage shall be deemed to be carried from the time when it is placed on a vehicle for the purpose of carrying it on a road until either—

- (a) it is removed from the vehicle; or
- (b) any receptacle containing the substance which is on the vehicle has been cleaned or purged so that any of the substance or its vapour which remains in the receptacle is not sufficient to cause a risk to the health or safety of any person,

and in either case, whether or not the vehicle is on a road at the material time.

(3) In these Regulations any reference to a quantity of a substance or preparation dangerous for supply or carriage expressed in litres, shall be construed as a reference—

- (a) in the case of a liquid, to the volume in litres of that liquid;
- (b) in the case of a gas, to the volume in litres of the receptacle containing that gas; and
- (c) in the case of a solid, to the same number of kilograms of that solid,

and for the purpose of aggregation, one litre of a liquid or gas shall be deemed to be equivalent to one kilogram of a solid.

(4) Subject to regulations 1.5, 20 and 22, these Regulations are without prejudice to any other requirement imposed by or under any statutory provision which relates to a substance or preparation dangerous for supply or carriage.

(5) The Interpretation Act (Northern Ireland) 1954<sup>(14)</sup> shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

### 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<sup>(15)</sup>;
- (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<sup>(16)</sup>; 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<sup>(17)</sup> (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<sup>(18)</sup>, 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<sup>(19)</sup> 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—

- (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>(20)</sup>; and

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<sup>(14)</sup> 1954 c. 33 (N.I.)

<sup>(15)</sup> S.R. 1985 No. 273

<sup>(16)</sup> S.R. 1992 No. 270, as amended by S.R. 1993 No. 349

<sup>(17)</sup> S.I. 1989/2233

<sup>(18)</sup> 1968 c. 67

<sup>(19)</sup> 1971 c. 38

<sup>(20)</sup> S.I. 1991/762 (N.I. 7)

- (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(21) 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(22);
  - (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(23) on waste and Article 1 of Council Directive 91/689/EEC(24) 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(25);
  - (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)(26) 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;
  - (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

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(21) O.J. No. L251. 29.8.92. p. 13

(22) 1985 c. 48

(23) O.J. No. L78, 26.3.91, p. 32

(24) O.J. No. L377, 31.12.91, p. 20

(25) S.R. 1991 No. 516

(26) Cmnd. 5897

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(27),  
or
  - (ii) regulations 3 to 5 of the Petroleum-Spirit (Plastic Containers) Regulations (Northern Ireland) 1983(28);

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
- (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.

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

(28) S.R. 1983 No. 43



### Meaning of the approved supply list and the approved carriage list

4.—(1) The “approved supply list” means the list approved by the Department for the purpose of these Regulations and published by the Health and Safety Commission entitled “Information Approved for the Classification and Labelling of Substances and Preparations Dangerous for Supply”, which comprises—

- (a) in Part I—
  - (i) in Column 1, a list of the names of the substances for which the Department has approved information, and
  - (ii) in the corresponding entries in Columns 2 and 3 the index number and (if any) the CAS Number (for reference only) for the substance;
- (b) in Part II—
  - (i) in Column 1, a list of the index numbers of the substances for which the Department has approved information, and
  - (ii) in the corresponding entries in Column 2 the names of those substances;
- (c) in Part III, a numbered list of the risk phrases and combinations of risk phrases which the Department has approved;
- (d) in Part IV, a numbered list of the safety phrases and combinations of safety phrases which the Department has approved;
- (e) in Part V, the information which the Department has approved for each substance referred to in Part I, namely—
  - (i) in Column 1, the index number and abbreviated name (for reference only), and
  - (ii) in the corresponding entries in Columns 2 to 4 respectively the classification, the labelling data (including the EEC number) and any concentration limits which the Department has approved for the substance for the classification of preparations containing that substance; and
- (f) in Part VI, a list of the conventional oral toxicity (LD<sub>50</sub>) values which the Department has approved in relation to pesticides for the purpose of classifying those pesticides in accordance with Schedule 5.

together with such notes and explanatory material as is requisite for the use of the list.

(2) The “approved carriage list” means the list approved by the Department for the purpose of these Regulations and for the purpose of the Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations (Northern Ireland) 1992(29) and published by the Health and Safety Commission entitled “Information Approved for the Classification, Packaging and Labelling of Dangerous Substances for Carriage by Road”, which comprises—

- (a) in Part 1, a list of the substances dangerous for carriage for which the Department has approved information—
  - (i) in Column 1, the name of the substance,
  - (ii) in Column 2, the substance identification number,
  - (iii) in Column 3, the classification for carriage and hazard warning,
  - (iv) in Column 4, the packing group (not relevant to these Regulations),
  - (v) in Column 5, any subsidiary hazard, and
  - (vi) in Column 6, any special provisions;

- (b) in Part 2, a list of the groups of substances dangerous for carriage for which the Department has approved information—
    - (i) in Column 1, the description of the substances in the group, and
    - (ii) in Columns 2 to 6 the same information relating to the groups of substances as is shown in the corresponding Columns in Part 1; and
  - (c) in Part 3, a list of the articles which are required to be treated as substances dangerous for carriage by virtue of regulation 3(5) for which the Department has approved information—
    - (i) in Column 1, the description of the article, and
    - (ii) in Columns 2 to 6 the same information relating to the article as is shown relating to substances in the corresponding Columns in Part 1,
- together with such notes and explanatory material as is requisite for the use of the list.

### **Classification of substances and preparations dangerous for supply**

5.—(1) A supplier shall not supply a substance or preparation dangerous for supply, unless it has been classified in accordance with paragraphs (2) to (6).

(2) In the case of a substance which is listed in the approved supply list, the classification shall be that specified in the entry for that substance in Column 2 of Part V of that list.

(3) In the case of a substance which is a new substance within the meaning of regulation 2(1) of the Notification of New Substances Regulations (Northern Ireland) 1985 and which has been notified in accordance with regulation 4(1) of those Regulations, the substance shall be classified in conformity with that notification.

(4) In the case of any other substance dangerous for supply, after an investigation to become aware of relevant and accessible data which may exist, the substance shall be classified by placing it into one or more of the categories of danger specified in Column 1 of Part I of Schedule 1 corresponding to the properties of the substance specified in the entry opposite thereto in Column 2 and by assigning appropriate risk phrases by the use of the criteria set out in the approved classification and labelling guide.

(5) Subject to paragraph (6), a preparation to which these Regulations apply shall be classified as dangerous for supply in accordance with Schedule 4 by the use of the criteria set out in the approved classification and labelling guide.

(6) A preparation which is intended for use as a pesticide (other than a pesticide which has been approved under the Food and Environment Protection Act 1985) shall be classified as dangerous for supply in accordance with Schedule 5.

### **Safety data sheets for substances and preparations dangerous for supply**

6.—(1) Subject to paragraphs (2) and (5), the supplier of a substance or preparation dangerous for supply shall provide the recipient of that substance or preparation with a safety data sheet containing information under the headings specified in Schedule 6 to enable the recipient of that substance or preparation to take the necessary measures relating to the protection of health and safety at work and relating to the protection of the environment.

(2) In this regulation “supply” shall not include supply by way of—

- (a) offer for sale;
- (b) transfer from a factory, warehouse or another place of work and its curtilage to another place of work in the same ownership; or
- (c) returning a substance or preparation to the person who supplied it, providing that the properties of that substance or preparation remain unchanged.

(3) The supplier shall keep the safety data sheet up to date and revise it forthwith if any significant new information becomes available regarding safety or risks to human health or the protection of the environment in relation to the substance or preparation concerned and the revised safety data sheet shall be clearly marked with the word “revision” and the date of that revision.

(4) Except in circumstances to which paragraph (5) relates, the safety data sheet shall be provided free of charge no later than the date on which the substance or preparation is first supplied to the recipient and where the safety data sheet has been revised in accordance with paragraph (3), a copy of the safety data sheet so revised shall be provided free of charge to any recipient who has received the substance or preparation within the preceding 12 months and the changes in it shall be brought to his notice.

(5) A safety data sheet need not be provided with a substance or preparation dangerous for supply supplied to the general public in circumstances to which regulation 19(2)(a) or (b) applies (relating to supply from a shop etc.) if sufficient information is furnished to enable any user to take the necessary measures as regards the protection of health and safety, except that a safety data sheet shall be provided free of charge at the request of any person who intends the substance or preparation to be used at work, but in those circumstances paragraph (4) (insofar as it relates to the subsequent provision of revised data sheets) shall not apply to such requests.

(6) The particulars required to be given in a safety data sheet or revised safety data sheet provided under this regulation shall be in English, except that where a substance or preparation is supplied to a recipient in another member State the safety data sheet may be in an official language of that State.

#### **Classification of substances (including preparations) dangerous for carriage**

7.—(1) A person shall not consign a substance which is dangerous for carriage, unless it has been classified in accordance with paragraphs (2) to (5).

(2) In the case of a substance which is specified in Part 1 of the approved carriage list as dangerous for carriage, the classification shall be that specified in the entry for that substance in Column 3 of that Part.

(3) In the case of a substance which, while not listed in Part 1 of the approved carriage list as dangerous for carriage, is in one of the groups of substances listed in Part 2 of the approved carriage list the classification shall be that specified in the entry for that group in Column 3 of that Part.

(4) In the case of an article specified in Part 3 of the approved carriage list (to which these Regulations are applied by regulation 3(6)), the classification shall be that specified in the entry for that article in Column 3 of that Part.

(5) In any other case, the classification of the substance shall be that specified in Column 2 of Part I of Schedule 3 corresponding to the most hazardous of the characteristic properties of the substance specified opposite thereto in Column 1 of that Part.

#### **Packaging of substances and preparations dangerous for supply or carriage**

8. The supplier of a substance or preparation which is dangerous for supply and the consignor of a substance dangerous for carriage shall not supply or consign as the case may be, any such substance or preparation unless it is in a package which is suitable for that purpose, and in particular, unless—

- (a) the receptacle containing the dangerous substance or preparation and any associated packaging, are designed, constructed, maintained and closed so as to prevent any of the contents of the receptacle from escaping when subjected to the stresses and strains of normal handling, except that this sub-paragraph shall not prevent the fitting of a suitable safety device;
- (b) the receptacle and any associated packaging, insofar as they are likely to come into contact with the substance or preparation, are made of materials which are neither liable to be

adversely affected by that substance nor liable in conjunction with that substance to form any other substance which is itself a risk to the health or safety of any person; and

- (c) where the receptacle is fitted with a replaceable closure, that closure is designed so that the receptacle can be repeatedly re-closed without its contents escaping.

### **Labelling of substances and preparations dangerous for supply**

9.—(1) Subject to paragraphs (4) to (9) and regulations 11 and 12, a supplier shall not supply a substance or preparation dangerous for supply unless the particulars specified in paragraph (2) relating to a substance or specified in paragraph (3) relating to a preparation, as the case may be, are clearly shown in accordance with the requirements of regulation 14—

- (a) on the receptacle containing the substance or preparation; and
- (b) if that receptacle is inside one or more layers of packaging, on any such layer which is likely to be the outermost layer of packaging during the supply or the use of the substance, unless such packaging permits the particulars shown on the receptacle or other packaging to be clearly seen.

(2) The particulars required under paragraph (1) in relation to a substance dangerous for supply shall be—

- (a) the name, full address and telephone number of a person in a member State who is responsible for supplying the substance, whether as manufacturer, importer or distributor of that substance;
- (b) the name of the substance, being the name or one of the names for the substance listed in Part I of the approved supply list, or if it is not so listed, an internationally recognised name; and
- (c) the following particulars ascertained in accordance with Part I of Schedule 7—
- (i) one or more of the indications of danger and the corresponding symbols (if any),
- (ii) the risk phrases,
- (iii) the safety phrases, and
- (iv) the EEC number (if any), and, in the case of a substance dangerous for supply which is listed in Part I of the approved supply list, the words “EEC label”.

(3) The particulars required under paragraph (1) in relation to a preparation dangerous for supply shall be—

- (a) the name, full address and telephone number of a person in a member State who is responsible for supplying the preparation, whether as manufacturer, importer or distributor of that preparation;
- (b) the trade name or other designation of the preparation; and
- (c) the following particulars ascertained in accordance with Part I of Schedule 7—
- (i) identification of the constituents of the preparation which result in the preparation being classified as dangerous for supply,
- (ii) one or more of the indications of danger and the corresponding symbols (if any),
- (iii) the risk phrases,
- (iv) the safety phrases,
- (v) in the case of a pesticide, the information specified in paragraph 5 of Part I of Schedule 7, and
- (vi) in the case of a preparation intended to be supplied to the general public, the nominal quantity, that is to say, nominal mass or nominal volume.

(4) Any indication such as “non-toxic” or “non-harmful” or any other statement indicating that the substance or preparation is not dangerous for supply shall not appear on the label.

(5) Labelling under this regulation shall not be required for a gas which is or has been compressed, liquefied or dissolved under pressure, except that this regulation shall apply to such a gas which is—

- (a) a preparation;
- (b) in an aerosol dispenser; or
- (c) a pesticide.

(6) Except for the outermost packaging of a package in which a substance or preparation is transferred, labelling in accordance with this regulation shall not be required where a substance or preparation dangerous for supply is supplied by way of transfer from a factory, warehouse or other place of work and its curtilage to another place of work, if, at that other place of work it is not subject to any form of manipulation, treatment or processing which results in the substance or preparation dangerous for supply being exposed or, for any purpose other than labelling in accordance with these Regulations, results in any receptacle containing the substance being removed from its outer packaging.

(7) Except in the case of a substance or preparation dangerous for supply for which the indication of danger is required to be explosive, very toxic or toxic, labelling under this regulation shall not be required for such small quantities of that substance or preparation if there is no reason to fear danger to persons handling that substance or preparation or to other persons.

(8) Where, in the case of a substance or preparation dangerous for supply, other than a pesticide, the package in which the substance or preparation is supplied does not contain more than 125 millilitres of the substance or preparation, the risk phrases required by paragraph (2)(c)(ii) or (3)(c)(iii), and the safety phrases required by paragraph (2)(c)(iii) or (3)(c)(iv), as the case may be, need not be shown unless the substance or preparation is one for which the indication of danger is required to be explosive, very toxic, toxic, corrosive or extremely flammable or, in the case of a substance or preparation intended to be supplied to the public, harmful.

(9) Where, because of the size of the label, it is not reasonably practicable to provide the safety phrases required under paragraph 2(c)(iii) or (3)(c)(iv), as the case may be, on the label, the information so required may be provided on a separate label or on a sheet accompanying the package.

### **Labelling of substances (including preparations) dangerous for carriage**

**10.**—(1) Subject to paragraph (4) and regulation 11, a consignor shall not consign a substance dangerous for carriage unless the package in which that substance is carried clearly shows in accordance with regulation 14 the particulars specified in paragraph (2) or permits those particulars when shown on the receptacle or on inner packagings to be clearly seen.

(2) The particulars required under paragraph (1) shall be—

- (a) the name and the address or telephone number or both of the consignor or of some other person in the United Kingdom from whom expert advice on the dangers created by the substance may be obtained;
- (b) the following particulars ascertained in accordance with Schedule 8—
  - (i) the designation of the substance,
  - (ii) the substance identification number (if any), and
  - (iii) the hazard warning sign; and
- (c) in a case where the quantity of a substance dangerous for carriage in any receptacle is more than 25 litres, the nature of the dangers to which the substance (including any subsidiary hazard specified in Column 5 of Parts 1 to 3 of the approved carriage list for that substance) may give rise and the emergency action that should be taken, except that this information

may be shown on a separate statement accompanying the package if that statement also shows the particulars required by sub-paragraphs (a) and (b)(i) and the classification.

- (3) Nothing in paragraph (2) shall be taken as preventing—
- (a) in the case of a package containing two or more dangerous substances in separate receptacles, separate labels which comply with that paragraph from being shown for each such substance in accordance with paragraph (1), or the use of the hazard warning sign for “mixed hazards” specified in Column 3 of Part I of Schedule 3; or
  - (b) in the case of a gas cylinder, the information required by paragraph (2)(c) from being shown partly on the label and partly on the separate statement.
- (4) Labelling under this regulation is not required—
- (a) in the following cases, where the volume of the receptacle, or the total volume of all the receptacles in a package is—
    - (i) in the case of receptacles containing any toxic gas, 25 millilitres or less,
    - (ii) in the case of receptacles containing any flammable gas, 500 millilitres or less, or
    - (iii) in the case of receptacles containing any non-flammable compressed gas, 5.5 litres or less, except that in this case, in determining the total volume of receptacles in a package, no account shall be taken of any individual receptacle having a volume of 1.4 litres or less; or
  - (b) in any other case, where the total quantity of substances dangerous for carriage in the package is one litre or less.

### **Derogations from regulations 9 and 10**

**11.—(1)** Where a package would otherwise be required to show the particulars required by regulations 9 and 10, it shall be a sufficient compliance with those Regulations if the package shows in accordance with regulation 14 the particulars specified in paragraphs (2) to (5).

(2) Except in the case of a pesticide where the package consists only of a single receptacle, the specified particulars are—

- (a) in a case where the quantity of the substance dangerous for carriage is less than 250 litres either—
  - (i) the particulars required by paragraph (2)(a), (b), (c)(ii), (iii) and (iv) (or (3)(a), (b), (c)(i), (iii), (iv) and (vi) in the case of a preparation) of regulation 9 and paragraph (2)(b)(ii) and (iii) of regulation 10, or
  - (ii) the particulars required by regulation 9 and by regulation 10(2)(b)(ii); or
- (b) in any other case, the particulars required by paragraph (2)(a), (b), (c)(ii), (iii) and (iv) (or (3)(a), (b), (c)(i), (iii), (iv) and (vi) in the case of a preparation) of regulation 9 and paragraph (2)(b)(ii) and (iii) and (c) of regulation 10, except that the particulars required by regulation 10(2)(c) may be shown on a separate statement accompanying the package if that statement also shows the particulars required by regulation 10(2)(a) and (b)(i) and the classification.

(3) Except in the case of a pesticide where the package consists of one or more receptacles in outer packaging, the specified particulars are—

- (a) in a case where the total quantity of a preparation dangerous for supply in the package is less than 250 litres—
  - (i) the particulars required by paragraph (2)(a)(i), or (ii), or
  - (ii) the particulars required by regulation 10; or
- (b) in any other case either—

- (i) the particulars required by paragraph (2)(b), or
  - (ii) the particulars required by regulation 10.
- (4) In the case of a pesticide (whether the package consists only of a single receptacle or of one or more receptacles in outer packaging) the specified particulars are—
- (a) where the total quantity of a pesticide in the package is less than 250 litres, either—
    - (i) the particulars required by paragraph (3)(a), (b), (c)(i), (iii), (iv) and (vi) of regulation 9 and paragraph (2)(b)(ii) and (iii) of regulation 10, or
    - (ii) the particulars required by regulation 9 and by regulation 10(2)(b)(ii); or
  - (b) in any other case, the particulars required by paragraph (3)(a), (b), (c)(i), (iii), (iv) and (vi) of regulation 9 and paragraph (2)(b)(ii) and (iii) and (c) of regulation 10, except that the particulars required by regulation 10(2)(c) may be shown on a separate statement accompanying the package if that statement also shows the particulars required by regulation 10(2)(a) and (b)(i) and the classification.
- (5) Where, to facilitate handling, a package consists of two or more smaller packages mounted on a pallet or similar device in such a way that the labels on those smaller packages can be clearly seen, then it shall be sufficient compliance with paragraph (3) or (4) if those smaller packages are labelled in accordance with the relevant paragraph.

#### **Derogations from regulation 9 in relation to certain transport rules**

**12.**—(1) Where a package is required to show the particulars required by regulation 9 but is excepted from showing the particulars required by regulation 10 by virtue of being labelled in accordance with the transport rules specified in paragraph (3)(e) to (g), (i) or (j) of regulation 3 (“the transport rules”) or is excepted by sub-paragraph (h) of that paragraph, it shall be a sufficient compliance with regulation 9 if the package shows the particulars specified in paragraphs (2) and (3).

(2) Where the package consists only of a single receptacle, the specified particulars are—

- (a) the particulars required by whichever of the transport rules is appropriate; and
- (b) the particulars required by paragraphs (2)(a), (b), (c)(ii), (iii) and (iv) in the case of a substance, (or (3)(a), (b), (c)(i), (iii), (iv) and (vi) in the case of a preparation) of regulation 9 shown in accordance with the requirements of regulation 14.

(3) Where the package consists of one or more receptacles in outer packaging, the specified particulars are those required by whichever of the transport rules is appropriate.

#### **Particular labelling requirements for certain preparations**

**13.**—(1) In the case of a preparation to which Part II of Schedule 7 applies, that is to say:

- (a) a preparation dangerous for supply which is required to have the indication of danger very toxic, toxic or corrosive, intended to be supplied to the general public;
- (b) a paint or varnish containing lead;
- (c) a cyanoacrylate-based adhesive;
- (d) a preparation containing isocyanates;
- (e) certain preparations containing epoxy constituents;
- (f) a preparation dangerous for supply intended to be sprayed;
- (g) a preparation supplied to the general public which contains active chlorine; and
- (h) a preparation containing cadmium (alloys) intended to be used for brazing or soldering,

the appropriate provisions of that Part shall have effect so as to regulate the labelling of such preparations except for the preparations referred to in sub-paragraphs (a) and (f), whether or not those preparations would otherwise be preparations dangerous for supply.

(2) In the case of a preparation packaged in an aerosol dispenser, the flammability criteria set out in paragraph 1 of Part II of Schedule 1 shall have effect for the classification and labelling of such preparation in place of the categories of danger “extremely flammable” or “flammable” set out in Part I of that Schedule, and where a dispenser contains a substance so classified, that dispenser shall be labelled in accordance with the provisions of paragraph 2 of the said Part II.

### Methods of marking or labelling packages

14.—(1) Any package which is required to be labelled in accordance with regulations 9 to 13 may carry the particulars required to be on the label indelibly marked on a part of that package reserved for that purpose and any reference in these Regulations to a label includes a reference to that part of the package so reserved.

(2) Subject to paragraph (8), any label required to be carried on a package shall be securely fixed to the package with its entire surface in contact with it and the label shall be clearly and indelibly printed.

(3) The colour and nature of the marking shall be such that the symbol or, as the case may be, the hazard warning sign stands out from its background so as to be readily noticeable.

(4) The package shall be so labelled that the particulars can be read horizontally when the package is set down normally.

(5) Subject to paragraph (8), the dimensions of the label required under regulation 9 and that part of the label required under regulation 10 which does not carry the hazard warning sign shall be as follows—

<i>Capacity of Package</i>	<i>Dimensions of label</i>
(a) (a) not exceeding 3 litres	if possible at least 52 × 74 millimetres
(b) (b) exceeding 3 litres but not exceeding 50 litres	at least 74 × 105 millimetres
(c) (c) exceeding 50 litres but not exceeding 500 litres	at least 105 × 148 millimetres
(d) (d) exceeding 500 litres	at least 148 × 210 millimetres

(6) Any symbol required to be shown in accordance with regulation 9(2)(c)(i) or 9(3)(c)(ii) and specified in Column 3 of Schedule 2 shall be printed in black on an orange-yellow background and its size (including the orange-yellow background) shall be at least equal to an area of one tenth of that of a label which complies with paragraph (5) and shall not in any case be less than 100 square millimetres.

(7) Subject to paragraph (8), a hazard warning sign shall have a side length of at least 100 millimetres.

(8) If the package is an awkward shape or so small that it is unsuitable to attach a label complying with paragraphs (2), (5) and (7) the label shall be attached in some other appropriate manner.

(9) The particulars required to be shown on the label shall be in English, except that where a substance or preparation is supplied to a recipient in another member State, the label may be in an official language of that State.



### **Labelling deemed to satisfy the requirements of certain enactments**

15. Where a substance or preparation dangerous for supply or carriage is required to be labelled in accordance with these Regulations and is so labelled, that labelling shall be deemed to satisfy the requirements of—

- (a) section 5 of the Petroleum (Consolidation) Act (Northern Ireland), 1929<sup>(30)</sup> including that section as applied to any dangerous substance by an Order in Council made under section 19 of that Act; and
- (b) regulations 6 and 7 of the Highly Flammable Liquids and Liquefied Petroleum Gases Regulations (Northern Ireland) 1975<sup>(31)</sup>.

### **Retention of classification data for substances and preparations dangerous for supply**

16. A person who classifies a substance dangerous for supply in accordance with regulation 5(4) or a preparation dangerous for supply shall keep a record of the information used for the purposes of classifying that substance or preparation for at least three years after the date on which the substance or preparation was last supplied and shall make the record or a copy of it available to the enforcing authority at its request.

### **Notification of information to the poisons advisory centre in relation to certain preparations dangerous for supply**

17.—(1) This regulation shall apply to any preparation which is classified on the basis of one or more of its health effects referred to in Column 1 of Part 1 of Schedule 1.

(2) Subject to regulation 23(3) (Transitional provisions), the supplier of a preparation to which this regulation applies shall, if it was first supplied before these Regulations came into operation or (if it was supplied after that date before first supplying it) notify the poisons advisory centre of the information required to be contained in the safety data sheet provided for the purposes of regulation 6 relating to the preparation.

(3) The supplier shall ensure the information supplied to the poisons advisory centre in pursuance of paragraph (2) is kept up to date.

(4) The poisons advisory centre shall only disclose any information sent to it in pursuance of paragraph (2) or (3) on a request by, or by a person working under the direction of, a registered medical practitioner in connection with the medical treatment of a person who may have been affected by the preparation.

### **Exemption certificates**

18.—(1) Subject to paragraph (2) and to any of the provisions imposed by the European Communities in respect of the free movement of dangerous substances, the Department may, by a certificate in writing, exempt any person or class of persons, substance or preparation dangerous for supply or carriage, or class of such substances or preparations, article or class of articles, from all or any of the requirements or prohibitions imposed by or under these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by a certificate in writing.

(2) The Department shall not grant any such exemption unless, having regard to the circumstances of the case, and in particular to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and

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<sup>(30)</sup> 1929 c. 13 (N.I.) to which there are amendments not relevant to these Regulations

<sup>(31)</sup> S.R. 1975 No. 256, amended by S.R. 1991 No. 471

(b) any requirements imposed by or under any statutory provision which applies to the case, it is satisfied that the health or safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

### **Enforcement, civil liability and defence**

**19.**—(1) Insofar as any provision of regulations 5 to 17 is made under section 2(2) of the European Communities Act 1972<sup>(32)</sup>—

- (a) subject to paragraph (2), the provisions of the Health and Safety at Work (Northern Ireland) Order 1978<sup>(33)</sup> which relate to the approval of codes of practice and their use in criminal proceedings, enforcement and offences shall apply to that provision as if that provision had been made under Article 17 of that Order; and
- (b) breach of a duty imposed by that provision shall confer a right of action in civil proceedings insofar as that breach of duty causes damage.

(2) Notwithstanding regulation 4 of the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1993<sup>(34)</sup>, the enforcing authority for these Regulations shall be the Department, except that—

- (a) where a substance or preparation dangerous for supply is supplied in or from premises which are registered under section 75 of the Medicines Act 1968<sup>(35)</sup>, the enforcing authority shall be the Department of Health and Social Services for Northern Ireland; or
- (b) where a substance or preparation dangerous for supply is supplied otherwise than as in sub-paragraph (a)
  - (i) in or from any shop, mobile vehicle, market stall or other retail outlet, or
  - (ii) otherwise to members of the public, including by way of free sample, prize or mail order,

the enforcing authority shall be the district council for the area in which are situated the premises in or from which such substance or preparation dangerous for supply is supplied.

(3) In any case where by virtue of paragraph (2)(a) these Regulations are enforced by the Department of Health and Social Services for Northern Ireland or where by virtue of paragraph (2)(b) they are enforced by a district council, they shall be enforced as if they were safety regulations made under section 11 of the Consumer Protection Act 1987<sup>(36)</sup> and the provisions of section 12 of that Act shall apply to these Regulations as if they were safety regulations.

(4) In any proceedings for an offence under these Regulations, it shall be a defence for any person to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of that offence.

### **Amendments to various enactments**

**20.**—(1) The Notification of New Substances Regulations (Northern Ireland) 1985<sup>(37)</sup> shall be amended as follows—

- (a) in regulation 4(1)(c)(ii) for the words “regulation 8 of the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985 (S.R. 1985 No. 81)” there shall be substituted the words “regulation 9 of the Chemicals (Hazard

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(32) 1972 c. 68

(33) S.I. 1978/1039 (N.I. 9)

(34) S.R. 1993 No. 147

(35) 1968 c. 67

(36) 1987 c. 43

(37) S.R. 1985 No. 63, amended by S.R. 1986 No. 188 and S.R. 1991 No. 472

Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 412)”;  
and

(b) at the end of Schedule 3 for the Note there shall be substituted—

“Note: (This note does not form part of Article 16(2)).

The data required under this Schedule may be ascertained in accordance with regulation 9 of the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 412)”.

(2) In the Control of Industrial Major Accident Hazards Regulations (Northern Ireland) 1985(38) the first note following the table in Part II of Schedule 2 shall be amended as follows—

(a) after “categories” there shall be inserted the words “of danger”; and

(b) for the words “regulation 5 of the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985 (S.R. 1985 No. 81 amended by S.R. 1988 No. 288, S.R. 1989 No. 182, S.R. 1990 No. 120 and S.R. 1990 No. 303)” there shall be substituted the words “regulation 5 of the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993, No. 412)”.

(3) In the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1986(39) for paragraph 13(2) of Part I of Schedule 1 there shall be substituted—

“(2) In this paragraph “dangerous substance” means a substance which is dangerous for carriage within the meaning of regulation 2(1) of the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 412)”.

(4) In the Control of Asbestos at Work Regulations (Northern Ireland) 1988(40), in regulation 18(3)(a), and in paragraph 1(1)(a) of Schedule 2, for the words “the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985” in each place there shall be substituted the words “the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 412)”.

(5) In the Control of Substances Hazardous to Health Regulations (Northern Ireland) 1990(41) in regulation 2(1), for sub-paragraph (a) of the definition of “substances hazardous to health” there shall be substituted—

“(a) a substance which is listed in Part I of the approved supply list as dangerous for supply within the meaning of the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 412) and for which an indication of danger specified for the substance in Part V of that list is very toxic, toxic, harmful, corrosive or irritant;”.

(6) The Dangerous Substances in Harbour Areas Regulations (Northern Ireland) 1991(42) shall be amended in accordance with Schedule 9.

(7) The Dangerous Substances (Notification and Marking of Sites) Regulations (Northern Ireland) 1992(43) shall be amended as follows—

(a) in regulation 2(1)—

(i) for the definition of “the 1985 Regulations” there shall be substituted—

““the 1993 Regulations” means the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 412);”.

(38) S.R. 1985 No. 175, Schedule 2 was substituted by regulation 10 of, and Schedule 1 to, S.R. 1991 No. 141

(39) S.R. 1986 No. 247, to which there are amendments not relevant to these Regulations

(40) S.R. 1988 No. 74, amended by S.R. 1993 No. 26

(41) S.R. 1990 No. 374, amended by S.R. 1992 No. 61 and S.R. 1993 No. 41

(42) S.R. 1991 No. 509

(43) S.R. 1992 No. 71

- (ii) in the definition of “classification” for the words “regulation 6 of the 1985 Regulations” there shall be substituted the words “regulation 7 of the 1993 Regulations”, and
- (iii) in the definition of “dangerous substance” for the words “which is dangerous for conveyance within the meaning of the 1985 Regulations,” there shall be substituted the words “dangerous for carriage within the meaning of the 1993 Regulations,”; and
- (b) in paragraph 1(6) of Schedule 1 for “the 1985 Regulations” there shall be substituted “the 1993 Regulations” and for the word “conveyed” there shall be substituted the word “carried”.

(8) In the Road Traffic (Carriage of Explosives) Regulations (Northern Ireland) 1993(44), in regulation 7(3), for the words “which is dangerous for conveyance (within the meaning of the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985)” there shall be substituted the words “dangerous for carriage within the meaning of the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 412)”.

(9) In the Control of Substances Hazardous to Health (Amendment) Regulations (Northern Ireland) 1993(45), in regulation 3 for the words “regulation 5 of the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985 (S.R. 1985 No. 81 amended by S.R. 1988 No. 288, S.R. 1989, No. 182, S.R. 1990 No. 120 and S.R. 1990 No. 303)” there shall be substituted the words “regulation 5 of the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 412)”.

(10) In the packaging of Explosives for Carriage Regulations (Northern Ireland) 1993(46), in regulation 2(1) in sub-paragraph (b) of the definition of “explosives” for the words “the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985” there shall be substituted the words “the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 412)”.

(11) The enactments relating to the flash point of flammable liquids specified in Column 1 of Schedule 10 shall be amended to the extent set out in Column 2 of that Schedule.

### **Amendments to the Road Traffic Regulations**

**21.**—(1) The Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations (Northern Ireland) 1992(47) shall be amended in accordance with Part I of Schedule 11.

(2) The Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1992(48) shall be amended in accordance with Part II of Schedule 11.

(3) The Road Traffic (Training of Drivers of Vehicles Carrying Dangerous Goods) Regulations (Northern Ireland) 1992(49) shall be amended in accordance with Part III of Schedule 11.

### **Revocations**

**22.** Subject to regulation 23, the following Regulations are hereby revoked—

- (a) the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985(50);

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(44) S.R. 1993 No. 83

(45) S.R. 1993 No. 41

(46) S.R. 1993 No. 268

(47) S.R. 1992 No. 261

(48) S.R. 1992 No. 260

(49) S.R. 1992 No. 262, amended by S.R. 1993 No. 240

(50) S.R. 1985 No. 81

- (b) the Classification, Packaging and Labelling of Dangerous Substances (Amendment) Regulations (Northern Ireland) 1988(51);
- (c) the Classification, Packaging and Labelling of Dangerous Substances (Amendment) Regulations (Northern Ireland) 1989(52);
- (d) the Classification, Packaging and Labelling of Dangerous Substances (Amendment) Regulations (Northern Ireland) 1990(53);
- (e) the Classification, Packaging and Labelling of Dangerous Substances (Amendment No. 2) Regulations (Northern Ireland) 1990(54).

### **Transitional provisions**

23.—(1) Until 1st December 1994, it shall be sufficient compliance with the requirements of these Regulations if a substance or preparation is classified, packaged and labelled in accordance with the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985 as in operation immediately before the coming into operation of these Regulations.

(2) Between 1st December 1994 and 1st June 1995, in any case in which—

- (a) the package or receptacle in which one or more substances or preparations dangerous for supply or carriage is supplied or carried contains a total quantity of 25 litres or less;
- (b) the substances or preparations were packaged and labelled before 1st December 1994 and were not removed from their package or receptacle since that date; and
- (c) it was not reasonably practicable either—
  - (i) to repackage and relabel the substances or preparations before they were supplied or carried; or
  - (ii) to supply or carry them on a date earlier than the date on which they were in fact supplied or carried,

it shall be a sufficient compliance with the requirements of these Regulations (not being the requirement to provide the safety data sheets described in regulation 6(1)) if the substances or preparations are classified, packaged and labelled in accordance with the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985 as in operation immediately before the coming into operation of these Regulations.

(3) Regulation 17 (Notification of information to the poisons advisory centre in relation to certain preparations dangerous for supply) shall not apply until the date on which the Department of Health and Social Services for Northern Ireland has approved the poisons advisory centre and it shall be a sufficient compliance with that regulation if the information required to be provided in relation to any preparation is received by the poisons advisory centre—

- (a) in the case of a preparation which is required to have the indication of danger very toxic, toxic or corrosive, six months after that date;
- (b) in the case of a preparation which is required to have the indication of danger harmful or irritant, one year after that date; or
- (c) in either case, before such later date as the Department may approve.

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(51) S.R. 1988 No. 288

(52) S.R. 1989 No. 182

(53) S.R. 1990 No. 120

(54) S.R. 1990 No. 303

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Sealed with the Official Seal of the Department of the Economic Development on

11th October 1993

*Philip B. Strong*  
Assistant Secretary

## SCHEDULE 1

Regulations 2(1) and 5(4)

**Classification of substances and preparations dangerous for supply**

## PART I

## CATEGORIES OF DANGER

Column 1 <i>Category of danger</i>	Column 2 <i>Property (See Note 1)</i>	Column 3 <i>Symbol-letter</i>
<i>Physico-chemical properties</i>		
Explosive	Solid, liquid, pasty or gelatinous E substances and preparations which may also react exothermically without atmospheric oxygen thereby quickly evolving gases, and which under defined test conditions detonate, quickly deflagrate or upon heating explode when partially confined.	E
Oxidizing	Substances and preparations which give rise to a highly exothermic reaction in contact with other substances particularly flammable substances.	O
Extremely flammable	Liquid substances and preparations having an extremely low flash point and a low boiling point and gaseous substances and preparations which are flammable in contact with air at ambient temperature and pressure. (See Note 2)	F+
Highly flammable	The following substances and preparations— (a) substances and preparations which may become hot and finally catch fire in contact	F

Note 1

As further described in the approved classification and labelling guide.

Note 2

Preparations packed in aerosol dispensers shall be classified as flammable in accordance with the additional criteria set out in Part II.

Note 3

The categories are specified in the approved classification and labelling; guide.

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Column 1 <i>Category of danger</i>	Column 2 <i>Property (See Note 1)</i>	Column 3 <i>Symbol-letter</i>
	with air at ambient temperature without any application of energy, (b) solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition, (c) liquid substances and preparations having a very low flash point, or (d) substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities. (See Note 2)	
Flammable	Liquid substances and preparations having a low flash point. (See Note 2)	—
<i>Health effects</i>		
Very toxic	Substances and preparations which in very low quantities cause death or acute or chronic damage to health when inhaled, swallowed or absorbed via the skin.	T+
Toxic	Substances and preparations which in low quantities cause death or acute or chronic damage to health when inhaled, swallowed or absorbed via the skin.	T
Harmful	Substances and preparations which may cause death or acute or chronic damage to health when inhaled,	Xn

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Note 1

As further described in the approved classification and labelling guide.

Note 2

Preparations packed in aerosol dispensers shall be classified as flammable in accordance with the additional criteria set out in Part II.

Note 3

The categories are specified in the approved classification and labelling; guide.

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Column 1 <i>Category of danger</i>	Column 2 <i>Property (See Note 1)</i>	Column 3 <i>Symbol-letter</i>
	swallowed or absorbed via the skin.	
Corrosive	Substances and preparations which, may on contact with living tissues, destroy them.	C
Irritant	Non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, may cause inflammation.	Xi
Carcinogenic (See Note 3)	Substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence.	
Category 1		T
Category 2		T
Category 3		Xn
Mutagenic (See Note 3)	Substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce heritable genetic defects or increase their incidence.	
Category 1		T
Category 2		Xn
Category 3		Xn
Teratogenic (See Note 3)		
Category 1		T
Category 2		Xn
<i>Environment</i>		
Dangerous for the environment	N	
Substances which, were they to enter into the environment, would present or may present an immediate or		

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Note 1

As further described in the approved classification and labelling guide.

Note 2

Preparations packed in aerosol dispensers shall be classified as flammable in accordance with the additional criteria set out in Part II.

Note 3

The categories are specified in the approved classification and labelling; guide.

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Column 1	Column 2	Column 3
<i>Category of danger</i>	<i>Property (See Note 1)</i>	<i>Symbol-letter</i>
delayed damage for one or more components of the environment.		
Note 1 As further described in the approved classification and labelling guide.		
Note 2 Preparations packed in aerosol dispensers shall be classified as flammable in accordance with the additional criteria set out in Part II.		
Note 3 The categories are specified in the approved classification and labelling; guide.		

## PART II

### CLASSIFICATION OF SUBSTANCES AND PREPARATIONS DANGEROUS FOR SUPPLY IN AEROSOL DISPENSERS AS FLAMMABLE

1. A substance or preparation which is packed in an aerosol dispenser shall be classified as dangerous for supply at least as either—

“flammable” if that dispenser contain

- (a) more than 45 per cent by weight of flammable substances; or
- (b) more than 250 grammes of flammable substances.

For the purposes of this paragraph, “flammable substances” means highly flammable gases or flammable liquids having flash points equal to or less than 100°C

2. Where an aerosol dispenser contains a substance or preparation which classified in accordance with paragraph 1 as flammable it shall show in accordance with regulation 14 either—

- (a) the word “flammable”; or
- (b) the symbol having the symbol-letter F,

or both the word “flammable” and that symbol.

## PART III

### METHODS FOR THE DETERMINATION OF FLASH POINT

1. For the purpose of classifying a substance or preparation dangerous for supply or carriage in accordance with Parts I and II of this Schedule or Part I of Schedule 3, the flash point (or in the case of the methods mentioned in paragraph 3(a) the classification of the substance) shall be determined:—

- (a) by one of the equilibrium methods referred to in paragraph 3; or
- (b) by one of the non-equilibrium methods referred to in paragraph 4, except that when the flash point so determined falls within one of the following ranges—
  - (i) -2°C to +2°C,
  - (ii) 19°C to 23°C, or
  - (iii) 53°C to 57°C,

that flash point shall be confirmed by one of the equilibrium methods referred to in paragraph 3 using like apparatus.

2. The use of any method or apparatus referred to in paragraphs 3, 4 and 5 is subject to the conditions specified in the appropriate standard having regard in particular to the nature of the substance (for example viscosity) and to the flash point range.

3. The equilibrium methods referred to in paragraph 1(a) are those defined in the following standards:—

- (a) International Standards ISO 1516 and ISO 3680 (which show whether or not a liquid is classified on the basis of flash point as extremely flammable, highly flammable or flammable);
- (b) International Standards ISO 1523 and ISO 3679 (which provide a value for a flash point).

4. The non-equilibrium methods referred to in paragraph 1(b) use the apparatus referred to in sub-paragraphs (a) to (d) in accordance with the following standards:—

- (a) Abel Apparatus—
  - (i) British Standard BS 2000 Part 170,
  - (ii) French Standard NF M07-011,
  - (iii) French Standard NF T66-009;
- (b) Abel-Pensky Apparatus—
  - (i) German Standard DIN 51755, Part 1 (for temperatures from 5 to 65 degrees C),
  - (ii) German Standard DIN 51755, Part 2 (for temperature below 5 degrees C),
  - (iii) French Standard NF M07-036,
  - (iv) European Standard EN57;
- (c) Tag Apparatus—
  - (i) American Standard ASTM D-56;
- (d) Pensky-Martens Apparatus—
  - (i) British Standard BS 6664 Part 5,
  - (ii) International Standard ISO 2719,
  - (iii) American Standard ASTM D93,
  - (iv) French Standard NF M07-019,
  - (v) German Standard DIN 51758,
  - (vi) European Standard EN11.

5. To determine the flash point of viscous liquids (paints, gums and similar) containing solvents, only apparatus and test methods suitable for determining the flash point of viscous liquids may be used in accordance with the following standards:—








- International Standards ISO 3679, ISO 3680, ISO 1523 and German Standard DIN 53213, Part 1.

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## SCHEDULE 2

Regulation 2(1)


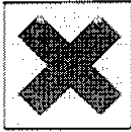
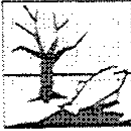
**Indications of danger and symbols for substances and preparations dangerous for supply**

Column 1 <i>Indication of danger</i>	Column 2 <i>Symbol-letter</i>	Column 3 <i>Symbol</i>
Explosive	E	
Oxidizing	O	
Extremely Flammable	F+	
Highly Flammable	F	
Very Toxic	T+	
Toxic	T	
Harmful	Xn	

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Column 1 <i>Indication of danger</i>	Column 2 <i>Symbol-letter</i>	Column 3 <i>Symbol</i>
Corrosive	C	
Irritant	Xi	
Dangerous for the environment	N	

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## SCHEDULE 3

Regulations 2(1) and 7(5)

**Classification of and hazard warning signs for substances  
(including preparations) dangerous for carriage**

## PART I

**TABLE OF CHARACTERISTIC PROPERTIES,  
CLASSIFICATION AND HAZARD WARNING SIGNS**

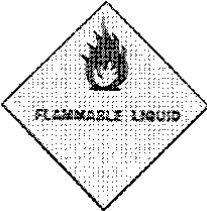

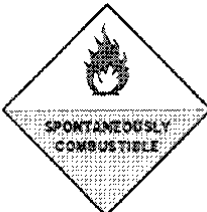
Column 1 <i>Characteristic properties of the substance</i>	Column 2 <i>Classification and category of danger</i>	Column 3 <i>Hazard warning sign</i>
<p>A substance which—</p> <p>(a) has a critical temperature below 50°C or which at 50°C has a vapour pressure of more than 3 bars absolute; and</p> <p>(b) is carried at a pressure of more than 500 millibars above atmospheric pressure or in liquefied form,</p> <p>other than a toxic gas or a flammable gas.</p>	Non-flammable compressed gas.	
<p>A substance which has a critical temperature below 50°C or which at 50°C has a vapour pressure of more than 3 bars absolute and which is toxic.</p>	Toxic gas.	
<p>A substance which has a critical temperature below 50°C or which at 50°C has a vapour pressure of more than 3 bars absolute and is flammable. (See Note 1)</p>	Flammable gas.	

## Note 1

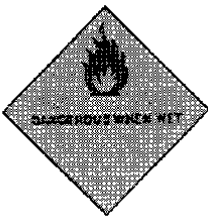



An aerosol which is flammable in accordance with paragraph 1 of Part II of Schedule 1 shall have the classification of a flammable gas. Other aerosols need not be classified as flammable gas or flammable liquid.

## Note 2

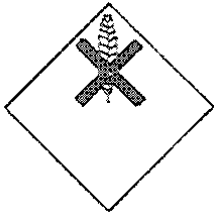



Viscous preparations which comply with the conditions in Part III shall not be required to be classified as flammable.

Column 1 <i>Characteristic properties of the substance</i>	Column 2 <i>Classification and category of danger</i>	Column 3 <i>Hazard warning sign</i>
<p>A liquid with a flash point of 55°C or below except a liquid which—</p> <p>(a) has a flash point equal to or more than 21°C and less than or equal to 55°C; and</p> <p>(b) when tested at 55°C in the manner described in Schedule 2 to the Highly Flammable Liquids and Liquefied Petroleum Gases Regulations (Northern Ireland) 1975(55) does not support combustion.</p> <p>(See Notes 1 and 2)</p>	Flammable liquid.	
<p>A solid which is readily combustible under conditions encountered in carriage or which may cause or contribute to fire through friction.</p>	Flammable solid.	
<p>A substance which is liable to spontaneous heating under conditions encountered in carriage or to heating in contact with air being then liable to catch fire.</p>	Spontaneously combustible substance.	
<p>Note 1 An aerosol which is flammable in accordance with paragraph 1 of Part II of Schedule 1 shall have the classification of a flammable gas. Other aerosols need not be classified as flammable gas or flammable liquid.</p> <p>Note 2 Viscous preparations which comply with the conditions in Part III shall not be required to be classified as flammable.</p>		

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Column 1 <i>Characteristic properties of the substance</i>	Column 2 <i>Classification and category of danger</i>	Column 3 <i>Hazard warning sign</i>
A substance which in contact with water is liable to become spontaneously combustible or to give off a flammable gas.	Substance which in contact with water emits flammable gas	
A substance other than an organic peroxide which, although not necessarily combustible, may by yielding oxygen or by a similar process cause or contribute to the combustion of other material.	Oxidizing substance	
A substance which is— (a) an organic peroxide; and (b) an unstable substance which may undergo exothermic self-accelerating decomposition.	Organic peroxide	
A substance known to be so toxic to man as to afford a hazard to health during carriage or which, in the absence of adequate data on human toxicity, is presumed to be toxic to man.	Toxic substance.	
<p>Note 1 An aerosol which is flammable in accordance with paragraph 1 of Part II of Schedule 1 shall have the classification of a flammable gas. Other aerosols need not be classified as flammable gas or flammable liquid.</p> <p>Note 2 Viscous preparations which comply with the conditions in Part III shall not be required to be classified as flammable.</p>		



Column 1 <i>Characteristic properties of the substance</i>	Column 2 <i>Classification and category of danger</i>	Column 3 <i>Hazard warning sign</i>
<p>A substance known to be toxic to man or, in the absence of adequate data on human toxicity, is presumed to be toxic to man but which is unlikely to afford a serious acute hazard to health during carriage.</p>	<p>Harmful substance.</p>	
<p>A substance which by chemical action will—                      (a) cause severe damage when in contact with living tissue; or                      (b) materially damage other freight or equipment if leakage occurs.</p>	<p>Corrosive substance.</p>	
<p>A substance which is listed in Part 2 of the approved carriage list and which may create a risk to the health or safety of persons in the conditions encountered in carriage whether or not it has any of the characteristic properties referred to above.</p>	<p>Other dangerous substance.</p>	
<p>Packages containing two or more dangerous substances which have different characteristic properties.</p>	<p>Mixed hazards.</p>	
<p>Note 1                      An aerosol which is flammable in accordance with paragraph 1 of Part II of Schedule 1 shall have the classification of a flammable gas. Other aerosols need not be classified as flammable gas or flammable liquid.                      Note 2                      Viscous preparations which comply with the conditions in Part III shall not be required to be classified as flammable.</p>		

## PART II

### SPECIFICATION OF HAZARD WARNING SIGNS

1. The hazard warning sign to be used on a label shall be that shown in Column 3 of Part I for the classification of the substance shown in the corresponding entry in Column 2 of that Part and the signs shall conform in form and colour to those shown in the said Column 3, except that—

- (a) in the case of the signs for the classifications “non-flammable compressed gas”, “flammable gas”, “flammable liquid” and “substance which in contact with water emits flammable gas”, in white; the symbol and the lettering may be
- (b) in the case of the sign for the classification the lettering may be in white; “spontaneously combustible substance”,
- (c) in place of the word “toxic”, the word “poison” may be used wherever it occurs;
- (d) in place of the word “flammable”, the word “inflammable” may be used wherever it occurs; and
- (e) the sign may show the class number in accordance with the International Maritime Dangerous Goods Code issued by the International Maritime Organisation or the Technical Instructions for the Safe Transport of Dangerous Goods by Air issued by the International Civil Aviation Organisation.

2. The words shown within the hazard warning sign may be omitted, but in such a case those words shall be shown on the package or label adjacent to the sign.

3. Each hazard warning sign shall be in the form of a square set with its sides at an angle of 45° to the vertical.

4. The hazard warning sign shall have a line of the same colour as the symbol, 5 millimetres inside the edge and running parallel to it. (The broken line which surrounds each sign delineates the edge of that sign and need not be shown.)

## PART III

### VISCOUS PREPARATIONS NOT REQUIRED TO BE CLASSIFIED AS FLAMMABLE

1. For the purposes of Part I, preparations which comply with the following conditions shall not be required to be classified as flammable—

- (a) the preparation is not classified as toxic or corrosive;
- (b) the preparation is a solution or homogeneous mixture which does not contain nitro-cellulose;
- (c) the flash point of the preparation is equal to or greater than 21°C;
- (d) in a suitable solvent separation test, the solvent which separates is not more than 3 per cent. of the volume of the preparation; and
- (e) the viscosity of the preparation when determined at 23°C in a flow cup conforming to the International Standards Organisation Standard ISO 2431-1984 or British Standard BS 3900: Part A6-1986 and having a jet diameter of 6mm is—
  - (i) in a case where the preparation contains not more than 60 per cent. of a flammable liquid with a flash point of 55°C or less, not less than 40 seconds, or
  - (ii) in any other case, not less than 60 seconds.

## SCHEDULE 4

Regulation 5(5)

### **Classification provisions for preparations dangerous for supply**

#### **PART I**

#### **GENERAL PROVISIONS**

##### **Application**

1. The provisions of this Schedule shall apply for the classification of preparations (other than pesticides).

##### **Interpretation**

2. In this Schedule, for the purposes of classification—

“physico-chemical properties” means the properties to be applied for the classifications “explosive”, “oxidizing”, “extremely flammable”, “highly flammable” or “flammable”;

“health effects” means the effects to be assessed for the classifications “very toxic”, “toxic”, “harmful”, “corrosive”, “irritant”, “carcinogenic”, “mutagenic” or “teratogenic”.

##### **Classification of preparations by physico-chemical properties**

3.—(1) The requisite physico-chemical properties for the classification of preparations shall be determined in accordance with the criteria set out in the approved labelling guide.

(2) Subject to sub-paragraph (3), preparations shall be classified as explosive, oxidizing, extremely flammable, highly flammable or flammable when they satisfy the criteria referred to in sub-paragraph (1) for the category of danger.

(3) The determination of explosive, oxidizing, extremely flammable, highly flammable or flammable properties is not necessary provided that none of the constituents possess such properties and that, on the basis of information available to the manufacturer, the preparation is unlikely to present dangers of this kind.

##### **Classification of preparations by health effects**

4.—(1) The health effects of a preparation shall be assessed by one or more of the following methods—

(a) by the conventional method described in the paragraphs 5 to 17 using concentration limits;  
or

(b) by the criteria set out in the approved classification and labelling guide in relation to the preparation for an appropriate classification and label.

(2) Any one or more of the health effects of the preparation which are not assessed by the method set out in sub-paragraph (1)(b) shall be assessed in accordance with the conventional method.

(3) Where the health effects have been assessed by both methods, the results of the method set out in sub-paragraph (1)(b) shall be used for classifying the preparation except in the case of carcinogenic, mutagenic or teratogenic effects, when the conventional method set out in sub-paragraph (1)(a) shall be used.

(4) Where it can be demonstrated that—

- (a) the health effects on man differ from those suggested by a toxicological determination or a conventional assessment, then the preparation shall be classified according to its effects on man;
  - (b) owing to effects such as potentiation a conventional assessment would underestimate the health effects, these effects shall be taken into account in classifying the preparation; or
  - (c) owing to effects such as antagonism a conventional assessment would overestimate the health effects, these effects shall be taken into account in classifying the preparation.
- (5) For preparation of a known composition classified in accordance with the method set out in sub-paragraph (1)(b), a new health effect assessment either by the method set out in sub-paragraph (1)(a) or (1)(b) shall be performed whenever—
- (a) changes of composition of the initial concentration of a weight/weight percentage of one or more of the constituents are introduced by the manufacturer in accordance with the following table—

<i>Initial concentration range of the constituent</i>	<i>Permitted variation in actual concentration of the constituent</i>
$\leq 2.5\%$	$\pm 15\%$
$> 2.5 \leq 10\%$	$\pm 10\%$
$> 10 \leq 25\%$	$\pm 6\%$
$> 25 \leq 50\%$	$\pm 5\%$
$> 50 \leq 100\%$	$\pm 2.5\%$

- (b) changes of composition involving the substitution or addition of one or more constituents, which may or may not be dangerous within the definitions in Schedule 1, are introduced by the manufacturer.

### **Classification by the conventional method**

5.—(1) Where the health effects are assessed by the conventional method in accordance with paragraph 4(1)(a) the appropriate concentration limits shall be assigned in accordance with sub-paragraph (2) or (3).

(2) Where the substances concerned are dangerous for supply and are listed as dangerous for supply in the approved supply list and are assigned concentration limits, the appropriate concentration limits shall be assigned in accordance with this Part.

(3) Where the substances concerned are dangerous for supply and do not appear in the approved list as dangerous for supply or appear there without the concentration limits, the appropriate concentration limits shall be assigned in accordance with Part II.

(4) In its application to preparations that are gases, this Part shall be modified so that any reference to a concentration expressed as a percentage by weight shall be construed as a reference to a concentration expressed as the same percentage by volume.

(5) Where a preparation contains at least one substance which, in accordance with the Notification of New Substances Regulations (Northern Ireland) 1985(56) bears the warning “Caution — Substance not yet fully tested”, the label of the preparation must bear the label “Caution — This preparation contains a substance not yet fully tested” if the substance is present in a concentration equal to or in excess of 1% by weight.

(6) A substance which is a gas shall be treated on the same basis as the other substances present in the preparation when applying the method of assessment by calculation, if an indication of at least one of the health effects appears on the label.

#### **Classification by the conventional method as very toxic**

6. The following preparations shall be regarded as very toxic—
- (a) owing to their acute lethal effects, preparations containing one or more substances classified or regarded as very toxic in individual concentrations exceeding—
    - (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
    - (ii) the concentration specified in paragraph 1 of Part II (Table I or Table IA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits;
  - (b) owing to their acute lethal effects, preparations containing more than one substance classified or regarded as very toxic in individual concentrations not exceeding the limits specified in the approved supply list or in paragraph 1 of Part II (Table I or Table IA in the case of gases), if the sum of the quotients obtained by dividing the percentage by weight of each very toxic substance in the preparation by the very toxic limit specified for that substance is 1 or more, that is to say,

$$\sum \left( \frac{P_{T+}}{L_{T+}} \right) \geq 1$$

where—

$P_{T+}$  is the percentage by weight of each very toxic substance in the preparation,

$L_{T+}$  is the very toxic limit specified for each very toxic substance expressed as a percentage;

- (c) owing to their non-lethal irreversible effects after a single exposure, preparations containing one or more substances dangerous for supply which produce such effects in individual concentrations exceeding—
  - (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
  - (ii) the concentration specified in paragraph 2 of Part 11 (Table II or Table IIA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits.

#### **Classification by the conventional method as toxic**

7. The following preparations shall be regarded as toxic—
- (a) owing to their acute lethal effects, preparations containing one or more substances classified or regarded as very toxic or toxic in individual concentrations exceeding—
    - (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
    - (ii) the concentration specified in paragraph 1 of Part II (Table I or Table IA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits;

- (b) owing to their acute lethal effects, preparations containing, more than one substance classified or regarded as very toxic or toxic in individual concentrations not exceeding the limits specified in the approved supply list or in paragraph 1 of Part II (Table I or Table IA in the case of gases) if the sum of the quotients obtained by dividing the percentage by weight of each very toxic or toxic substance in the preparation by the toxic limit specified for that substance is 1 or more, that is to say,

$$\sum \left( \frac{P_{T+}}{L_{T+}} + \frac{P_T}{L_T} \right) \geq 1$$

where—

$P_{T+}$  is the percentage by weight of each very toxic substance in the preparation,

$P_T$  is the percentage by weight of each toxic substance in the preparation,

$L_T$  is the toxic limit specified for each very toxic or toxic substance expressed as a percentage;

- (c) owing to their non-lethal irreversible effects after a single exposure, preparations containing one or more substances dangerous for supply which produce such effects in individual concentrations exceeding—
- (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
  - (ii) the concentration specified in paragraph 2 of Part II (Table II or Table IIA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits;
- (d) owing to their severe effects after repeated or prolonged exposure, preparations containing one or more substances dangerous for supply which produce such effects in individual concentrations exceeding—
- (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
  - (ii) the concentration specified in paragraph 3 of Part II (Table III or Table IIIA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits.

### **Classification by the conventional method as harmful**

8. The following preparations shall be regarded as harmful—
- (a) owing to their acute lethal effects, preparations containing one or more substances classified or regarded as very toxic, toxic or harmful in individual concentrations exceeding—
    - (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
    - (ii) the concentration specified in paragraph 1 of Part II (Table I or Table IA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits;
  - (b) owing to their acute lethal effects, preparations containing more than one substance classified or regarded as very toxic, toxic or harmful in individual concentrations not exceeding the limits specified in the approved supply list or in paragraph I of Part II (Table I or Table IA in the case of gases) if the sum of the quotients obtained by dividing the

percentage by weight of each very toxic, toxic or harmful substance in the preparation by the harmful limit specified for that substance is 1 or more, that is to say,

$$\sum \left( \frac{P_{T+}}{L_{Xn}} + \frac{P_T}{L_{Xn}} + \frac{P_{Xn}}{L_{Xn}} \right) \geq 1$$

where—

$P_{T+}$  is the percentage by weight of each very toxic substance in the preparation,

$P_T$  is the percentage by weight of each toxic substance in the preparation,

$P_{Xn}$  is the percentage by weight of each harmful substance in the preparation,

$L_{Xn}$  is the limit specified for each very toxic, toxic or harmful substance expressed as a percentage;

- (c) owing to their non-lethal irreversible effects after a single exposure preparations containing one or more substances dangerous for supply which produce such effects in individual concentrations exceeding—
  - (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
  - (ii) the concentration specified in paragraph 2 of Part II (Table II or Table IIA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits;
- (d) owing to their severe effects after repeated or prolonged exposure, preparations containing one or more substances dangerous for supply which produce such effects in individual concentrations exceeding—
  - (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
  - (ii) the concentration specified in paragraph 3 of Part II (Table III or Table IIIA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits;
- (e) owing to their sensitizing effects by inhalation, preparations containing at least one substance dangerous for supply to which is assigned the risk phrase R42 (may cause sensitization by inhalation) that produces such effects in individual concentrations exceeding—
  - (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
  - (ii) the concentration specified in paragraph 5 of Part II (Table V or Table VA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits.

#### **Classification by the conventional method as corrosive**

9.—(1) A preparation shall be regarded as “very corrosive” if it has been classified as corrosive with the risk phrase R35 (causes severe burns).

(2) The following preparations shall be regarded as very corrosive—

- (a) preparations containing one or more substances classified or regarded as very corrosive in individual concentrations exceeding—
  - (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or

- (ii) the concentration specified in paragraph 4 of Part II (Table IV or Table IVA in the case of gases) where the substance or substances do not appear in the approved list or appear in it without concentration limits;
- (b) preparations containing more than one substance classified or regarded as very corrosive in individual concentrations not exceeding the limits specified either in the approved supply list or in paragraph 4 of Part II (Table IV or Table IVA in the case of gases) if the sum of the quotients obtained by dividing the percentage by weight of each very corrosive substance in the preparation by the corrosive (R35) limit specified for that substance is 1 or more, that is to say,

$$\sum \left( \frac{P_{C,R35}}{L_{C,R35}} \right) \geq 1$$

where—

$P_{C,R35}$  is the percentage by weight of each very corrosive substance to which is assigned the risk phrase R35 in the preparation,

$L_{C,R35}$  is the corrosive (R35) limit specified for each very corrosive substance expressed as a percentage by weight.

10. The following preparations shall be regarded as corrosive—

- (a) preparations containing one or more substances classified or regarded as corrosive to which is assigned the risk phrase R35 or R34 (causes burns) in individual concentrations exceeding—
- (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
- (ii) the concentration specified in paragraph 4 of Part II (Table IV or Table IVA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits;
- (b) preparations containing more than one substance classified or regarded as corrosive to which is assigned the risk phrase R35 or R34 in individual concentrations not exceeding the limits specified either in the approved supply list or in paragraph 4 of Part II (Table IV or Table IVA in the case of gases) if the sum of the quotients obtained by dividing the percentage by weight of each corrosive substance in the preparation by the corrosive (R34) limit specified for that substance is 1 or more, that is to say,

$$\sum \left( \frac{P_{C,R35}}{L_{C,R34}} + \frac{P_{C,R34}}{L_{C,R34}} \right) \geq 1$$

where—

$P_{C,R35}$  is the percentage by weight of each corrosive substance to which is assigned the risk phrase R35 in the preparation,

$P_{C,R34}$  is the percentage by weight of each corrosive substance to which is assigned the risk phrase R34 in the preparation,

$L_{C,R34}$  is the corrosive (R34) limit specified for each corrosive substance to which is assigned the risk phrase R35 or R34 expressed as a percentage by weight.



### Classification by the conventional method as irritant

11. The following preparations shall be regarded as liable to cause serious eye damage—
- (a) preparations containing one or more substances classified or regarded as irritant to which is assigned the risk phrase R41 (risk of serious damage to eyes) in individual concentrations exceeding—
    - (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
    - (ii) the concentration specified in paragraph 4 of Part II (Table IV or Table IVA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits;
  - (b) preparations containing more than one substance classified or regarded as corrosive or irritant to which is assigned the risk phrase R41 in individual concentrations not exceeding the limits specified either in the approved supply list or in paragraph 4 of Part II (Table IV or Table IVA in the case of gases) if the sum of the quotients obtained by dividing the percentage by weight of each irritant substance in the preparation by the irritant (R41) limit specified for that substance is 1 or more, that is to say,

$$\sum \left( \frac{P_{Xi,R41}}{L_{Xi,R41}} \right) \geq 1$$

where—

$P_{Xi,R41}$  is the percentage by weight of each irritant substance to which is assigned the risk phrase R41 in the preparation,

$L_{Xi,R41}$  is the irritant (R41) limit specified for each irritant substance expressed as a percentage by weight to which is assigned the risk phrase R41 in the preparation.

12. The following preparations shall be regarded as skin irritants—
- (a) preparations containing one or more substances classified or regarded as corrosive or irritant to which is assigned the risk phrase R38 (irritating to skin) in individual concentrations exceeding—
    - (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
    - (ii) the concentration specified in paragraph 4 of Part II (Table IV or Table IVA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits;
  - (b) preparations containing more than one substance classified or regarded as corrosive or irritant to which is assigned the risk phrase R38 in individual concentrations not exceeding the limits specified either in the approved supply list or in paragraph 4 of Part II (Table IV or Table IVA in the case of gases) if the sum of the quotients obtained by dividing the percentage by weight of each substance in the preparation by the irritant (R38) limit specified for that substance is 1 or more, that is to say,

$$\sum \left( \frac{P_{C,R35}}{L_{Xi,R38}} + \frac{P_{C,R34}}{L_{Xi,R38}} + \frac{P_{Xi,R38}}{L_{Xi,R41}} \right) \geq 1$$

where—

$P_{C,R35}$  is the percentage by weight of each corrosive substance to which is assigned the risk phrase R35 in the preparation,

$P_{C.R34}$  is the percentage by weight of each corrosive substance to which is assigned the risk phrase R34 in the preparation,

$P_{Xi.R38}$  is the percentage by weight of each irritant substance to which is assigned the risk phrase R38 in the preparation,

$L_{Xi.R38}$  is the irritant (R38) limit specified for, each corrosive or irritant substance expressed as a percentage by weight to which is assigned the risk phrase R35, R34 or R38 in the preparation;

- (c) owing to their sensitizing effects by skin contact, preparations containing at least one substance dangerous for supply to which is assigned the risk phrase R43 (may cause sensitization by skin contact) that produces such effects in individual concentrations exceeding—
- (i) either the concentration specified in the approved supply list of the substance or substances under consideration, or
  - (ii) the concentration specified in paragraph 5 of Part II (Table V or Table VA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits.
13. The following preparations shall be regarded as eye irritants—
- (a) preparations containing one or more substances classified or regarded as irritant to which is assigned the risk phrase R41 (risk of serious damage to eyes) or R36 (irritating to eyes) in individual concentrations exceeding—
    - (i) either the concentration specified in the approved supply list for the substance or substances under consideration, or
    - (ii) the concentration specified in paragraph 4 of Part II (Table IV or Table IVA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits;
  - (b) preparations containing more than one substance classified or regarded as irritant to which is assigned the risk phrase R41 or R36 in individual concentrations not exceeding the limits specified either in the approved supply list or in paragraph 4 of Part II (Table IV or Table IVA in the case of gases) if the sum of the quotients obtained by dividing the percentage by weight of each irritant substance in the preparation by the irritant (R36) limit specified for that substance is 1 or more, that is to say,

$$\sum \left( \frac{P_{Xi.R41}}{L_{Xi.R36}} + \frac{P_{Xi.R36}}{L_{Xi.R36}} \right) \geq 1$$

where—

$P_{Xi.R41}$  is the percentage by weight of each irritant substance to which is assigned the risk phrase R41 in the preparation,

$P_{Xi.R36}$  is the percentage by weight of each irritant substance to which is assigned the risk phrase R36 in the preparation,

$L_{Xi.R36}$  is the irritant (R36) limit specified for each irritant substance expressed as a percentage by weight to which is assigned the risk phrase R41 or R36 in the preparation.

14. The following preparations shall be regarded as irritants for the respiratory system—

- (a) preparations containing one or more substances classified or regarded as irritant to which is assigned the risk phrase R37 (irritating to the respiratory system) in individual concentrations exceeding—
- (i) either the concentration specified in the approved supply list for the substances under consideration, or
  - (ii) the concentration specified in paragraph 4 of Part II (Table IV or Table IVA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits;
- (b) preparations containing more than one substance classified or regarded as irritant to which is assigned the risk phrase R37 in individual concentrations not exceeding the limits specified either in the approved supply list or in paragraph 4 of Part II (Table IV or Table IVA) if the sum of the quotients obtained by dividing the percentage by weight of each irritant substance in the preparation by the irritant (R37) limit specified for that substance is 1 or more, that is to say,

$$\sum \left( \frac{P_{Xi,R37}}{L_{Xi,R37}} \right) \geq 1$$

where—

$P_{Xi,R37}$  is the percentage by weight of each irritant substance to which is assigned the risk phrase R37 in the preparation,

$L_{Xi,R37}$  is the irritant (R37) limit specified for each irritant substance expressed as a percentage by weight to which is assigned the risk phrase R37 in the preparation.

#### **Classification by the conventional method as carcinogenic**

15.—(1) Preparations shall be regarded as carcinogenic and assigned at least the symbol and indication of danger “toxic” if they contain a substance producing such effects to which is assigned either the risk phrase R45 (may cause cancer) or R49 (may cause cancer by inhalation) which denotes carcinogenic substances in category 1 or category 2 in a concentration equal to or exceeding—

- (a) either the concentration specified in the approved supply list for the substance or substances under consideration; or
- (b) the concentration specified in paragraph 6 of Part II (Table VI or Table VIA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits.

(2) Preparations shall be regarded as suspect for humans owing to their possible carcinogenic effects and assigned at least the symbol and indication of danger “harmful” if they contain a substance producing such effects to which is assigned the risk phrase R40 (possible risk of, irreversible effects) which denotes carcinogenic substances in category 3 in a concentration equal to or exceeding—

- (a) either the concentration specified in the approved supply list for the substance or substances under consideration; or
- (b) the concentration specified in paragraph 6 of Part II (Table VI or Table VIA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits.

#### **Classification by the conventional method as mutagenic**

16.—(1) Preparations shall be regarded as mutagenic and assigned at least the symbol and indication of danger “toxic” if they contain a substance producing such effects to which is assigned

the risk phrase R46 (may cause heritable genetic damage) which denotes mutagenic substances in category 1 in a concentration equal to or exceeding—

- (a) either the concentration specified in the approved supply list for the substance or substances under consideration; or
- (b) the concentration specified in paragraph 6 of Part II, (Table VI or Table VIA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits.

(2) Preparations shall be regarded as having to be treated as mutagenic and assigned at least the symbol and indication of danger “harmful” if they contain a substance producing such effects to which is assigned the risk phrase R46 (may cause heritable genetic damage) which denotes mutagenic substances in category 2 in a concentration equal to or exceeding—

- (a) either the concentration specified in the approved supply list for the substance or substances under consideration; or
- (b) the concentration specified in paragraph 6 of Part II (Table VI or Table VIA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits.

(3) Preparations shall be regarded as suspect for humans because of their possible mutagenic effects and assigned at least the symbol and indication of danger “harmful” if they contain a substance producing such effects to which is assigned the risk phrase R40 (possible risk of irreversible effects) which denotes mutagenic substances in category 3 in a concentration equal to or exceeding—

- (a) either the concentration specified in the approved supply list for the substance or substances under consideration; or
- (b) the concentration specified in paragraph 6 of Part II (Table VI or Table VIA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits.

#### **Classification by the conventional method as teratogenic**

17.—(1) Preparations shall be regarded as teratogenic and assigned at least the symbol and indication of danger “toxic” if they contain a substance producing such effects to which is assigned the risk phrase R47 (may cause birth defects) which denotes teratogenic substances in category 1 in a concentration equal to or exceeding—

- (a) either the concentration specified in the approved supply list for the substance or substances under consideration; or
- (b) the concentration specified in paragraph 6 of Part II (Table VI or Table VIA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits.

(2) Preparations shall be regarded as having to be treated as teratogenic and assigned at least the symbol and indication of danger “harmful” if they contain a substance producing such effects to which is assigned the risk phrase R47 (may cause birth defects) which denotes teratogenic substances in category 2 in a concentration equal to or exceeding—

- (a) either the concentration specified in the approved supply list of the substance or substances under consideration; or
- (b) the concentration specified in paragraph 6 of Part II (Table VI or Table VIA in the case of gases) where the substance or substances do not appear in the approved supply list or appear in it without concentration limits.

### **Lower limits of concentration**

18.—(1) Subject to sub-paragraph (2), in relation to preparations to which this Schedule applies no account shall be taken of substances, whether or not listed in the approved supply list, whether existing as impurities or as additives, if their concentration by weight is less than—

- (a) 0.1% for substances classified as very toxic or toxic; or
- (b) 1% for substances classified as harmful, corrosive or irritant,

unless in either case lower limits are referred to in Part V of the approved supply list, or in the case of gases in Part II.

(2) Where any substance has more than one health effect each of these effects shall be characterised by its appropriate specific concentration limit.

## **PART II**

### **CONCENTRATION LIMITS TO BE USED IN APPLYING THE CONVENTIONAL METHOD OF ASSESSING HEALTH EFFECTS IN ACCORDANCE WITH PART I WHERE NO SUCH LIMITS ARE GIVEN IN THE APPROVED SUPPLY LIST**

An assessment must be made of the health effects that the use of a substance or a preparation might entail. For that purpose the dangerous health effects have been subdivided into:—

- acute lethal effects;
- non-lethal irreversible effects after a single exposure;
- severe effects after repeated or prolonged exposure;
- corrosive effects;
- irritant effects;
- sensitizing effects;
- carcinogenic effects;
- mutagenic effects; and
- teratogenic effects.

The systematic assessment of all the dangerous health effects is expressed by means of concentration limits in conjunction with the classification of the substance, that is to say, the symbol and risk phrases which are assigned to each substance under consideration.

In relation to solid and liquid preparations any reference to a percentage concentration shall be treated as a reference to that concentration as a percentage by weight.

In relation to gaseous preparations any reference to a percentage concentration shall be treated as a reference to that concentration as a percentage by volume.

### **Acute lethal effects**

1.—(1) **Solid and liquid preparations:** The concentration limits specified in Table I determine the classification of solid and liquid preparations in relation to the individual concentration of the substance present whose classification is also shown.

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**TABLE I**

<i>Classification of the substance</i>	<i>Classification of the preparation</i>		
	T+	T	Xn
T+ with R26, R27, R28	conc. $\geq$ 7%	1% $\leq$ conc. < 7%	0.1% $\leq$ conc. < 1%
T with R23, R24, R25		conc. $\geq$ 25%	3% $\leq$ conc. < 25%
Xn with R20, R21, R22			conc. $\geq$ 25%

The risk phrases denoting risk shall be assigned to the preparation in accordance with the following criteria:

- the label shall include one or more of the above-mentioned risk phrases according to the classification used,
- in general, the risk phrases selected should be those applicable to the substance(s) present in the concentration which gives rise to the most restrictive classification.

(2) **Gaseous Preparations:** The concentration limits specified in Table 1A determine the classification of gaseous preparations in relation to the individual concentration of the gases present whose classification is also shown.

**TABLE IA**

<i>Classification of the substance (gas)</i>	<i>Classification of the gaseous preparation</i>		
	T+	T	Xn
T+ with R26	conc. $\geq$ 1%	0.2% $\leq$ conc. < 1%	0.02% $\leq$ conc. < 0.2%
T with R23		conc. $\geq$ 5%	0.5% $\leq$ conc. < 5%
Xn with R20			conc. $\geq$ 5%

### Non-lethal irreversible effects after a single exposure

2.—(1) **Solid and liquid preparations:** For substances that produce non-lethal irreversible effects after a single exposure (R39, R40), the individual concentration limits specified in Table 11 determine, when appropriate, the classification of solid and liquid preparations and shall determine the particular risk phrases which shall be assigned to them.

**TABLE II**

<i>Classification of the substance</i>	<i>Classification of the preparation</i>		
	T+	T	Xn
T+ with R39	conc. $\geq$ 10% R39 <sup>(*)</sup> obligatory	1% $\leq$ conc. < 10% R39 <sup>(*)</sup> obligatory	0.1% $\leq$ conc. < 1% R40 <sup>(*)</sup> obligatory

(\*) In accordance with the approved classification and labelling guide and depending on the classification, the risk phrases R20 and R28 are also to be assigned to indicate route of administration or means of exposure.

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Classification of the substance	Classification of the preparation		
	T+	T	Xn
T with R39		conc. $\geq$ 10% R39 <sup>(*)</sup> obligatory	1% $\leq$ conc. < 10% R40 <sup>(*)</sup> obligatory
Xn with R40			conc. $\geq$ 10% R40 <sup>(*)</sup> obligatory

(\*) In accordance with the approved classification and labelling guide and depending on the classification, the risk phrases R20 and R28 are also to be assigned to indicate route of administration or means of exposure.

(2) **Gaseous preparations:** For gases that produce non-lethal irreversible effects after a single exposure (R39, R40), the individual concentration limits specified in Table HA, determine, when appropriate, the classification of gaseous preparations and shall determine the particular risk phrases which shall be assigned to them.

**TABLE IIA**

Classification of the substance (gas)	Classification of the gaseous preparation		
	T+	T	Xn
T+ with R39	conc. $\geq$ 1% R39 <sup>(*)</sup> obligatory	0.2% $\leq$ conc. < 1% R39 <sup>(*)</sup> obligatory	0.02% $\leq$ conc. < 0.2% R40 <sup>(*)</sup> obligatory
T with R39		conc. $\geq$ 5% R39 <sup>(*)</sup> obligatory	0.5% $\leq$ conc. < 5% R40 <sup>(*)</sup> obligatory
Xn with R40			conc. $\geq$ R40 <sup>(*)</sup> obligatory

(\*) In accordance with the approved classification and labelling guide and depending on the classification, the risk phrases R20, R23 or R26 are also to be assigned to indicate route of administration or means of exposure.

### Severe effects after repeated or prolonged exposure

3.—(1) **Solid and liquid preparations:** For substances that produce severe effects after repeated or prolonged exposure (R48), the individual concentration limits specified in Table III determine, when appropriate, the classification of solid and liquid preparations and shall determine the particular risk phrases which shall be assigned to them.

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**TABLE III**

<i>Classification of the substance</i>	<i>Classification of the preparation</i>	
	T	Xn
T with R48	conc. $\geq$ 10% R48 <sup>(*)</sup> obligatory	1% $\leq$ conc. < 10% R48 <sup>(*)</sup> obligatory
Xn with R48	conc. $\geq$ 10% R48 <sup>(*)</sup> obligatory	

(\*) In accordance with the approved classification and labelling guide and depending on the classification, the risk phrases R20 to R28 are also to be assigned to indicate route of administration or means of exposure.

(2) **Gaseous preparations:** For gases that produce severe effects after repeated or prolonged exposure (R48), the individual concentration limits specified in Table IIIA determine, when appropriate, the classification of gaseous preparations and shall determine the particular risk phrases which shall be assigned to them.

**TABLE IIIA**

<i>Classification of the substance (gas)</i>	<i>Classification of the gaseous preparation</i>	
	T	Xn
T with R48	conc. $\geq$ 5% R48 <sup>(*)</sup> obligatory	0.5% $\leq$ conc. < 5% R48 <sup>(*)</sup> obligatory
Xn with R48	conc. $\geq$ 5% R48 <sup>(*)</sup> obligatory	

(\*) In accordance with the approved classification and labelling guide and depending on the classification, the risk phrases R20, R23 or R26 are also to be assigned to indicate route of administration or means of exposure.

### Corrosive and irritant effects

4.—(1) **Solid and liquid preparations:** For substances that produce corrosive effects (R34, R35) or irritant effects (R36, R37, R38, R41), the individual concentration limits specified in Table IV determine, when appropriate, the classification of solid and liquid preparations and shall determine the particular risk phrases which shall be assigned to them.

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TABLE IV

Classification of the substance and/or relevant standard risk phrase	Classification of the preparation and standard risk phrase			
	At least C with R35	At least C with R34	At least Xi with R41	At least Xi with R36, R37 or R38
At least C with R35	conc. $\geq$ 10% R35 obligatory	5% $\leq$ conc. < 10% R34 obligatory		1% $\leq$ conc. < 5% R36, R38 obligatory
At least C with R34		conc. $\geq$ 10% R34 obligatory		5% $\leq$ conc. < 10% R36, R38 obligatory
At least Xi with R41			conc. $\geq$ 10% R41 obligatory	5% $\leq$ conc. < 10% R36 obligatory
At least Xi with R36, R37 or R38				conc. $\geq$ 20% R36, R37 and R38 are obligatory in the light of the concentration present if they apply to the substances under consideration

(2) **Gaseous preparations:** For gases that produce corrosive effects (R34, R35) or irritant effects (R37, R41), the individual concentration limits specified in Table IVA, determine, when appropriate, the classification of gaseous preparations and shall determine the particular risk phrases which shall be assigned to them.

TABLE IVA

Classification of the substance (gas) and/or relevant standard risk phrase	Classification of the gaseous preparation and standard risk phrase			
	At least C with R35	At least C with R34	At least Xi with R41	At least Xi with R36, R37 or R38
At least C with R35	conc. $\geq$ 1% R35 obligatory	0.2% $\leq$ conc. < 1% R34 obligatory		0.02% $\leq$ conc. < 0.2% R37 obligatory
At least C with R34		conc. $\geq$ 5% R34 obligatory		0.5% $\leq$ conc. < 5% R37 obligatory
At least Xi with R41			conc. $\geq$ 5% R41 obligatory	0.5% $\leq$ conc. < 5% R36 obligatory
At least Xi with R36, R37 or R38				conc. $\geq$ 5% R37, R36 and R38

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Classification of the substance (gas) and/or relevant standard risk phrase	Classification of the gaseous preparation and standard risk phrase			
	At least C with R35	At least C with R34	At least Xi with R41	At least Xi with R36, R37 or R38 obligatory as appropriate

### Sensitizing effects

5.—(1) **Solid and liquid preparations:** Substances that produce such effects are classified:

- at least as harmful (Xn) and assigned R42 if this effect can be produced by inhalation,
- at least as irritant (Xi) and assigned R43 if this effect can be produced through contact with the skin,
- at least as harmful (Xn) and assigned R42/R43 if this effect can be produced in both these ways.

The individual concentration limits specified in Table V determine, when appropriate, the classification of solid and liquid preparations and shall determine the particular risk phrases which shall be assigned to them.

**TABLE V**

Classification of the substance and relevant risk phrase	Classification of the preparation and standard risk phrase	
	At least Xn and R42	At least Xi and R43
At least Xn and R42	conc. ≥ 1% R42 obligatory	
At least Xi and R43	conc. ≥ 1% R43 obligatory	
At least Xn and R42/43	conc. ≥ 1% R42/R43 obligatory	

(2) **Gaseous preparations:** Gases that produce such effects are classified:

- at least as harmful (Xn) and assigned R42 or R42/R43 as appropriate. The individual concentration limits specified in Table VA, determine, when appropriate, the classification of gaseous preparations and shall determine the particular risk phrases which shall be assigned to them.

**TABLE VA**

Classification of the substance (gas) and relevant risk phrase	Classification of the gaseous preparation and standard risk phrase
	At least Xn with R42
At least Xn with R42	conc. ≥ 0.2% R42 obligatory
At least Xn with R42/43	conc. ≥ 0.2% R42/R43 obligatory

### Carcinogenic/mutagenic/teratogenic effects

6.—(1) **Solid and liquid preparations:** For substances that produce such effects and for which specific concentration limits do not yet appear in the approved supply list, the concentration limits

laid down in Table VI shall determine, where appropriate, the classification of the preparations and the risk phrases which shall be assigned to them.

**TABLE VI**

<i>Substance Symbol-letter and risk phrase</i>	<i>Symbol-letter and risk phrase for the preparation</i>	
	<i>At least T</i>	<i>At least Xn</i>
At least T with R45 or R49 denoting carcinogenic substances of Category 1 or 2	conc. $\geq$ 0.1% R45 or R49 obligatory	
At least Xn with R40 denoting carcinogenic substances of Category 3		conc. $\geq$ 1% R40 obligatory
At least T with R46 denoting mutagenic substances of Category 1	conc. $\geq$ 0.1% R46 obligatory	
At least Xn with R46 denoting mutagenic substances of Category 2		conc. $\geq$ 0.1% R46 obligatory
At least Xn with R40 denoting mutagenic substances of Category 3		conc. $\geq$ 1% R40 obligatory
At least T with R47 denoting teratogenic substances of Category 1	conc. $\geq$ 0.5% R47 obligatory	
At least Xn with R47 denoting teratogenic substances of Category 2		conc. $\geq$ 5% R47 obligatory

(2) **Gaseous preparations:** For gases which produce such effects and for which specific concentration limits do not yet appear in the approved supply list the concentration limits laid down in Table VIA, shall determine, where appropriate, the classification of gaseous preparations and the risk phrases which shall be assigned to them.

**TABLE VIA**

<i>Substance Symbol-letter and risk phrase</i>	<i>Symbol-letter and risk phrase for the gaseous preparation</i>	
	<i>At least T</i>	<i>At least Xn</i>
At least T with R45 or R49 denoting carcinogenic substances of Category 1 or 2	conc. $\geq$ 0.1% R45 or R49 obligatory	
At least Xn with R40 denoting carcinogenic substances of Category 3		conc. $\geq$ 1% R40 obligatory

<i>Substance Symbol-letter and risk phrase</i>	<i>Symbol-letter and risk phrase for the gaseous preparation</i>	
	<i>At least T</i>	<i>At least Xn</i>
At least T with R46 denoting mutagenic substances of Category 1	conc. $\geq$ 0.1% R46 obligatory	
At least Xn with R46 denoting mutagenic substances of Category 2		conc. $\geq$ 0.1% R46 obligatory
At least Xn with R40 denoting mutagenic substances of Category 3		conc. $\geq$ 1% R40 obligatory
At least T with R47 denoting teratogenic substances of Category 1	conc. $\geq$ 0.2% R47 obligatory	
At least Xn with R47 denoting teratogenic substances of Category 2		conc. $\geq$ 1% R47 obligatory

## SCHEDULE 5

Regulations 2(1) and 5(6)

**Classification provisions for preparations intended to be used as pesticides****Interpretation**

1. A pesticide means a preparation designed—
  - (a) to destroy organisms harmful to plants or to plant products or to protect plants and plant products from such organisms;
  - (b) to improve or regulate plant production, with the exception of a fertiliser and a soil conditioner;
  - (c) to preserve plant products except—
    - (i) a wood preservative which does not contain preservatives which penetrate into the wood, or
    - (ii) a food preservative to which the Preservatives in Food Regulations (Northern Ireland) 1980(57) apply;
  - (d) to destroy undesired plants;
  - (e) to destroy parts of plants or to prevent undesired growth; or
  - (f) to render harmless or to destroy, or to give protection against, any nuisance or harmful animals or insect pests and to control organisms with harmful or unwanted effects on water systems, buildings or other structures, or manufactured products.

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(57) S.R. 1980 No. 28, amended by S.R. 1980 No. 380 and S.R. 1982 No. 297

### Classification as very toxic, toxic or harmful

2.—(1) A preparation intended for use as a pesticide shall be classified as very toxic, toxic or harmful if its toxicity as determined by an internationally recognised test method in accordance with sub-paragraph (2) is within the range for that classification set out in the Table.

TABLE

Classification	<i>LD<sub>50</sub> absorbed orally in rat, mg/kg</i>		<i>LD<sub>50</sub> absorbed percutaneously in rat or rabbit mg/kg</i>		<i>LC<sub>50</sub> absorbed by inhalation in rat, mg/litre (4 hours)</i>
	<i>Solids other than baits and tablets</i>	<i>Liquids and bait preparations and pesticides in tablet form</i>	<i>Solids other than baits and tablets</i>	<i>Liquids and bait preparations and pesticides in tablet form</i>	
Very toxic	≤ 5	≤ 25	≤ 10	≤ 50	≤ 0.5
Toxic	> 5 to 50	> 25 to 200	> 10 to 100	> 50 to 400	> 0.5 to 2
Harmful	> 50 to 500	> 200 to 2000	> 100 to 1000	> 400 to 4000	> 2 to 20

(2) Subject to sub-paragraphs (3) and (4), a pesticide shall be classified as very toxic, toxic or harmful by carrying out toxicity tests on the pesticide in the form in which it is intended to be used and these tests shall be suitable having regard to the nature and intended method of use of the pesticide and in particular—

- (a) in the case of pesticides which can be absorbed through the skin, the percutaneous LD<sub>50</sub> value shall be used where it is such that it would place a pesticide in a more restrictive class than the oral LD<sub>50</sub> value or the inhalation LD<sub>50</sub> value; and
  - (b) in the case of gases, liquefied gases, fumigants and aerosols and powders in which the diameter of the particles does not exceed 50 microns, the inhalation LC<sub>50</sub> values shall be used.
- (3) In a case where a preparation to which this Schedule applies—
- (a) contains only one active ingredient;
  - (b) the toxicity of that active ingredient is known; and
  - (c) there are valid grounds for believing that the toxicity determined on the basis of a calculation carried out in accordance with this sub-paragraph would not differ substantially from the toxicity determined by biological testing carried out in accordance with sub-paragraphs (1) and (2), the toxicity of the preparation may be calculated in accordance with the formula—

$$\frac{L \times 100}{C}$$

where

L is the oral toxicity ( $LD_{50}$ ) of the active ingredient and C its concentration as a percentage by weight and in this sub-paragraph where the active ingredient is listed in Column 1 of Part VI of the approved supply list, its toxicity shall be taken as the conventional  $LD_{50}$  value given in the corresponding entry in Column 2 of that Part.

- (4) Account shall also be taken of any fact which suggests that—
- (a) the preparation in normal use involves a risk to human health;
  - (b) the preparation is less toxic or harmful than its ingredients seem to indicate; or
  - (c) in relation to a particular preparation, the rat is not the most suitable animal for testing.
- (5) In relation to a preparation intended for use as a pesticide, classification other than as very toxic, toxic or harmful shall be carried out in accordance with the provisions of regulation 5(5).

## SCHEDULE 6

Regulation 6(1)

### **Headings under which particulars are to be provided in safety data sheets**

The safety data sheet referred to in regulation 6 shall contain the following obligatory headings:

1. Identification of the substance/preparation and company undertaking.
2. Composition/information on ingredients.
3. Hazards identification.
4. First-aid measures.
5. Fire-fighting measures.
6. Accidental release measures.
7. Handling and storage.
8. Exposure controls/Personal protection.
9. Physical and chemical properties.
10. Stability and reactivity.
11. Toxicological information.
12. Ecological information.
13. Disposal considerations.
14. Transport information.
15. Regulatory information.
16. Other information.

It shall be incumbent on the person responsible for supplying the substance or preparation to supply the information specified under these headings. The safety data sheet shall be dated.

## SCHEDULE 7

Regulations 9 and 13(1)

### **Particulars to be shown on labels for substances and preparations dangerous for supply**

## **PART II**

### **GENERAL PROVISIONS RELATING TO LABELS**

#### **Labelling particulars for substances dangerous for supply**

1.—(1) In the case of a substance dangerous for supply which is listed in Part I of the approved supply list, the particulars to be shown on the label in accordance with I regulation 9(2)(c) shall be the particulars specified for the substance in the relevant I entry in Column 3 of Part V of that list.

(2) Subject to paragraph 4, in the case of a substance dangerous for supply which is not listed in Part I of the approved supply list the particulars required to be shown on the label in accordance with regulation 9(2)(c) shall be determined from the classification of the substance in accordance with regulation 5 in conjunction with the approved classification and labelling guide.

#### **Labelling particulars for preparations dangerous for supply**

2.—(1) Subject to paragraphs 3, 4 and 5, the provisions of this paragraph shall have effect in relation to the labelling of preparations dangerous for supply.

(2) Subject to sub-paragraph (4), the chemical names of the substances dangerous for supply present in the preparation shall be shown in accordance with the following rules—

- (a) in the case of a preparation classified as requiring the symbol-letter T+, T or Xn, only substances requiring those indications of danger present in the preparation in concentrations exceeding the lowest limit (Xn limit) for the substance laid down in Column 4 of Part V of the approved supply list, or if no such limit is laid down the relevant limit laid down in Part II of Schedule 4 need be referred to;
- (b) in the case of a preparation classified as requiring the symbol-letter C, only substances requiring that indication of danger present in the preparation in concentrations exceeding the lowest limit (Xi limit) for the substance laid down in Column 4 of Part V of the approved supply list, or if no such limit is laid down the relevant limit laid down in Part II of Schedule 4 need be referred to; and
- (c) if the preparation is assigned one or more of the standard risk phrases R39, R40, R42, R43, R42/R43, R45, R46, R47, R48 or R49, the name of any substance causing the preparation to be so assigned shall be referred to.

(3) The chemical name referred to in sub-paragraph (2) shall be—

- (a) in the case of a substance listed in Part I of the approved supply list, the name or one of the names under which it is listed; or
- (b) in the case of a substance not so listed, an internationally recognised name.

(4) For the purposes of labelling, no account shall be taken of any substance in the preparation if its concentration is less than the concentration referred to in paragraph 18(1) of Part I of Schedule 4.

(5) Subject to paragraph (4), the particulars to be shown on the label in accordance with regulation 9(3)(c)(iii), (iv) and (vi) shall be determined from the classification of the preparation made in accordance with regulation 5 in conjunction with the approved classification and labelling guide.

### **Derogation for naming the ingredients of certain preparations containing harmful substances**

3.—(1) Where a person can demonstrate to the Department that the disclosure of the chemical identity of a substance required to show the symbol-letter Xn (not being a substance which would cause the preparation to be assigned one of the risk phrases referred to in paragraph 2(2)(c)) on the label will put at risk the confidential nature of his property, he shall be permitted to refer to that substance either by means of a name which identifies the most important functional chemical groups of the substance or by means of an alternative name giving equivalent information.

(2) In a case to which paragraph 3(1) applies, the supplier shall notify the Department of his intention to so label the preparation.

(3) Where the Department receives a notification in accordance with sub-paragraph (2), it shall forthwith inform the European Commission thereof.

(4) Regulation 10 of the Notification of New Substances Regulations (Northern Ireland) 1985(58) (which relates to disclosure of information notified) shall apply to information notified under sub-paragraph (2) as it applies to information notified under those Regulations.

### **Indications of danger and symbols for substances and preparations dangerous for supply.**

4.—(1) Except in the case of a substance dangerous for supply which is listed in Part I of the approved supply list, where a substance or preparation is required to have more than one indication of danger in either of the following groups listed in decreasing order of severity—

- (a) explosive, oxidizing, extremely flammable and highly flammable: or
- (b) very toxic, toxic, corrosive, harmful and irritant,

only one of the indications of danger with its symbol from each group corresponding to the most severe indication of danger in that group need be shown.

(2) The risk phrases R12 (extremely flammable) and R11 (highly flammable) need not be used if they repeat the indication of danger shown on the label.

### **Designation of pesticides to which Schedule 5 applies**

5.—(1) A preparation which is a pesticide shall be designated by—

- (a) the trade name or trade designation of the preparation;
- (b) the name and concentration of each active ingredient in the preparation and the concentration thereof shall be expressed—
  - (i) in the case of pesticides which are supplied as solids, in aerosol dispensers, or as volatile or viscous liquids, as percentage by weight.
  - (ii) for other liquids as percentage by weight or as grammes per litre, or
  - (iii) for gases, as percentage by volume; and
- (c) the name of each other ingredient which is—
  - (i) required to have the symbol-letter T+ or T, if the concentration thereof exceeds 0.2 per cent by weight,
  - (ii) required to have the symbol-letter C or Xn, if the concentration thereof exceeds 5 per cent by weight.

(2) The label shall also show—

- (a) the net quantity of the preparation;



- (b) the batch number; and
- (c) in the case of a preparation required to have the symbol-letter T+, T or Xn, an indication that the container must not be re-used except in the case of containers that are specifically designed for re-use, recharging or refilling by the supplier of the pesticide.

## PART II

### SPECIAL PROVISIONS ON THE LABELLING OF CERTAIN PREPARATIONS

#### **Application**

6. The provisions of this Part shall be in addition to and not in substitution for any other labelling requirements imposed by these Regulations or by or under any other statutory provision.

#### **Very toxic, toxic or corrosive preparations sold to the general public**

7.—(1) The labels on packages containing a preparation which is required to have the symbol-letter T+, T or C and which are intended to be supplied to the general public shall show the safety phrase S1/2 (keep locked up and out of the reach of children) and S4 (if swallowed seek medical advice immediately and show this container or label) together with any other safety phrases which may be assigned to the preparation under these Regulations.

(2) Where it is physically impossible to give such information on the package itself, a package containing a preparation to which this paragraph applies shall be accompanied by precise and easily understandable instructions for use including, where appropriate, instructions for the destruction of the empty package.

#### **Paint and varnishes containing lead**

8.—(1) The label on a package of paint or varnish containing lead in quantities exceeding 0.15% expressed as a percentage of the weight of metal in relation to the percentage of the total weight of the preparation, as determined in accordance with ISO standard 6503/1984 shall show the following particulars—

“Contains lead. Should not be used on surfaces that are liable to be chewed or sucked by children”.

(2) In the case of a package containing less than 125 millilitres of such preparations the label may show the following particulars—

“Warning. Contains Lead”.

#### **Cyanoacrylate-based adhesives**

9.—(1) The immediate package of a cyanoacrylate-based adhesive shall bear the following inscription—

“Cyanoacrylate

Danger.

Bonds skin and eyes in seconds.

Keep out of the reach of children”.

(2) Appropriate safety advice shall accompany a package to which sub-paragraph (1) applies.

### **Preparations containing isocyanates**

10. The package label of a preparation containing isocyanates (whether as monomers, oligomers, prepolymers etc. or as mixtures thereof) shall bear the following inscription—

“Contains isocyanates.

See information supplied by the manufacturer”.

### **Certain preparations containing epoxy constituents**

11. The package label of a preparation containing epoxy constituents with an average molecular weight  $\leq 700$ , shall bear the following inscription—

“Contains epoxy constituents.

See information supplied by the manufacturer”.

### **Preparations dangerous for supply intended to be sprayed**

12. The package label of a preparation intended for use by spraying shall bear the safety phrases S23 (do not breathe gas/fumes/vapour/spray [appropriate wording to be specified by the manufacturer]) and S38 (in case of insufficient ventilation wear suitable respiratory equipment) or S23 and S51 (use only in well ventilated areas), depending on the application criteria set out in the approved classification and labelling guide together with any other safety phrases which may be assigned to the preparation under these Regulations.

### **Preparations containing active chlorine intended to be supplied to the general public**

13. The package label of a preparation containing more than 1% of active chlorine intended to be supplied to the general public shall bear the following inscription—

“Warning! Do not use with other products. May release dangerous gases (chlorine)”.

### **Preparations containing cadmium (alloys) intended to be used for brazing or soldering**

14. The package label of a preparation containing cadmium (alloys) intended to be used for brazing or soldering shall bear the following inscription—

“Warning! Contains cadmium.

Dangerous fumes are formed during use.

See information supplied by the manufacturer.

Comply with the safety instructions”.

## SCHEDULE 8

Regulation 10

### **Particulars to be shown on labels for substances (including preparations) dangerous for carriage**

#### **Provisions relating to the designation and naming of substances dangerous for carriage**

1. The provision of paragraphs 2 to 6 shall have effect to designate substances classified as dangerous for carriage for the purposes of regulation 10(2)(b)(i).

### **Designation of substances other than preparations**

2. A substance other than a preparation shall be designated—
- (a) where the substance is listed in Part 1 of the approved carriage list, by the name being one of the names by which it is described in that Part; or
  - (b) where the substance is not listed in Part 1 of the approved carriage list, by the chemical name or accepted common name of the substance,

and where in paragraphs 4 to 6 a substance is required to be named, sub-paragraphs (a) and (b) shall apply to the naming of that substance.

### **Designation of hazardous wastes**

3. Notwithstanding paragraph 2(a), in the case of a hazardous waste, the entry in Part 1 of the approved carriage list most fully and accurately describing the properties of that waste shall be selected for the purposes of its designation.

### **Designation of articles listed in Part 3 of the approved carriage list**

4. An article which is described in Column 1 of Part 3 of the approved carriage list shall be appropriately designated in the terms of that description.

### **Designation of preparations**

5. A substance dangerous for carriage not listed in Part 1 of the approved carriage list and which is a preparation shall be designated by—

- (a) the trade name or trade designation of the preparation; and
- (b) the description of the preparation which shall be either—
  - (i) a group name where this indicates the nature of the preparation, or
  - (ii) the word “contains” after which the name of any substance which is a component of the preparation and significantly contributes to its characteristic properties shall be given.

### **Designation of substances in packages containing two or more receptacles**

6. Where a package which is required to be labelled as dangerous for carriage contains two or more substances which are dangerous for carriage, those substances shall be designated either by—

- (a) the name of each such substance ascertained in accordance with paragraphs 2 to 5; or
- (b) a description which indicates the nature of those substances.

### **Substance identification number**

7. Except where the package contains two or more different substances dangerous for carriage when no substance identification numbers need be shown, the substance identification number shall be ascertained for the purposes of regulation 10(2)(b)(ii) as follows—

- (a) in the case of a substance which is listed in Part 1 of the approved carriage list, the number shall be that specified in the appropriate entry in Column 2 of that Part;
- (b) in the case of any other substance, the number shall be that, if any, specified in Column 2 of Part 2 of the approved carriage list as corresponding to—
  - (i) the most relevant general description for that substance specified in Column 1 of that Part, and

- (ii) the classification determined in accordance with regulation 7 and specified in Column 3 of that Part; or
- (c) in the case of an article which is listed in Part 3 of the approved carriage list, the number shall be that specified in the appropriate entry in Column 2 of that Part.

### **The hazard warning sign**

8. The hazard warning sign shall be ascertained for the purpose of regulation 10(2)(b)(iii) as follows—

- (a) in the case of a substance which is listed in Part 1 of the approved carriage list, the hazard warning sign shall be that specified in the appropriate entry in Column 3 of that Part;
- (b) in the case of any other substance, the hazard warning sign shall be that specified in Column 3 of Part I of Schedule 3 as corresponding to the characteristic property of the substances specified in the appropriate entry in Column 1 of that Part, determined in accordance with the provisions of regulation 7;
- (c) in the case of an article which is listed in Part 3 of the approved carriage list, the hazard warning sign shall be that specified in the appropriate entry in Column 3 of that Part;
- (d) in the case of a package containing two or more substances in separate receptacles, the hazard warning sign shall be—
  - (i) if all the substances are classified as having the same hazard warning sign, that sign, or
  - (ii) if all such substances do not have the same classification, either signs corresponding to each classification or the sign for mixed hazards.

### **Other particulars in the case of packages containing two or more substances in separate receptacles**

9. Where a package contains more than one substance which is dangerous for carriage, regulation 10(2)(a) and (c) shall apply in respect of each substance as in the case where a package contains a single substance.

## SCHEDULE 9

Regulation 20(6)

### **Amendments to the Dangerous Substances in Harbour Areas Regulations (Northern Ireland) 1991**

1. The Dangerous Substances in Harbour Areas Regulations (Northern Ireland) 1991<sup>(59)</sup> shall be amended as provided in paragraphs 2 to 7.
2. In regulation 2(1) (Interpretation)—
  - (a) for the definition of “approved list” there shall be substituted—
 

““approved list” means the “approved carriage list” described in regulation 4(2) of the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 412);” and
  - (b) in the definition of “classification” for sub-paragraph (a)(ii) there shall be substituted—

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<sup>(59)</sup> S.R. 1991 No. 509

- “(ii) the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 in relation to substances which are dangerous for carriage within the meaning of those Regulations; or”.
3. For regulation 3(2)(b) (Meaning of “dangerous substance”) there shall be substituted—
- “(b) it is a “substance dangerous for carriage” within the meaning of regulation 2(1) of the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993.”.
4. In regulation 24(a)(ii) (Portable tanks and receptacles), for the words from “regulation 7 of” to the end of that sub-paragraph, there shall be substituted the words “regulation 8 of the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993.”.
5. In regulation 25 (Labelling)—
- (a) in paragraph (1)(b)(ii) for the words “the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985” there shall be substituted the words “the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993”; and
- (b) for paragraph (2)(b) there shall be substituted—
- “(b) the Chemicals (Hazard Information and Packaging,) Regulations (Northern Ireland) 1993 relating to the labelling for carnage;”.
6. In Schedule 1 (The Classification of and Hazard Warning Signs for Dangerous Substances)—
- (a) in Note 1, for the words “paragraph 2 of Part III of Schedule 1 to the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985” there shall be substituted the words “paragraph 1 of Part II of Schedule I to the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993”;
- (b) in Note 2, for the words “Part III of Schedule 2 to the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985” there shall be substituted the words “Part III of Schedule 3 to the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993”; and
- (c) for Note 3, there shall be substituted—
- “The flash point shall be determined in accordance with Part III of Schedule 1 to the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993.”
7. In Schedule 3, sub-paragraph (c), for the words “in accordance with one of the methods described in Part IV of Schedule 1 to the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985” there shall be substituted the words “in accordance with Part III of Schedule 1 to the 1993”. Information and Packaging) Regulations (Northern Ireland)

## SCHEDULE 10

Regulation 20(11)

**Amendments to enactments relating to the flash point of flammable liquids**

Column 1 <i>Provision of enactment</i>	Column 2 <i>Extent of amendment</i>
1. Petroleum (Consolidation) Act (Northern Ireland), 1929( <b>60</b> ) Section 23(1)	In the definition of “Petroleum-spirit”, for the words “Part IV of Schedule 1 to the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985 (S.R. 1985 No. 81) has a flash point” there shall be substituted the words “Part III of Schedule 1 to the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 412) has a flash point (as defined in regulation 2(1) of those Regulations)”.
2. Petroleum (Mixtures) Order (Northern Ireland) 1930( <b>61</b> ) (i) Article I (ii) The Schedule, Part II, paragraphs 1,2 and 3	In each place where those words occur, for the words “Part IV of Schedule 1 to the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985 (S.R. 1985 No. 81)” there shall be substituted the words “Part III of Schedule 1 to the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 412)”.
3. The Dry Cleaning Special Regulations (Northern Ireland) 1950( <b>62</b> ) (i) Regulation 2(2)	In the definition of “Flash point” the words “subject to paragraph (2A)” shall be omitted, and, for the words “Part IV of Schedule 1 to the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985 (S.R. 1985 No. 81)” there shall be substituted the words “Part III of Schedule 1 to the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 412), except that for sub-paragraph (b) of paragraph 1 of that Part there shall be substituted the following sub-paragraph— “(b) by one of the non-equilibrium methods referred to in paragraph 4 except that when the flash point falls within the range 30°C to 34°C that flash point shall be confirmed by the use of like apparatus using the appropriate equilibrium method referred to in paragraph 3.””

(60) 1929 c. 13 (N.I.); section 23(1) was amended by S.R. 1992 No. 413, Schedule 2

(61) S.R. & O (N.I.) 1930 No. 21 (p. 325), as amended by S.R. 1992 No. 413

(62) S.R. & O (N.I.) 1950 No. 117 (p. 268), as amended by S.R. 1992 No. 413

Column 1 <i>Provision of enactment</i>	Column 2 <i>Extent of amendment</i>
(ii) Regulation 2(2A)	Revoke.
4. The Shipbuilding and Ship-repairing Regulations (Northern Ireland) 1971(63) Regulation 3	In the definition of “Abel closed test” for the words “Part IV of Schedule 1 to the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985 (S.R. 1985 No. 81)” there shall be substituted the words “Part III of Schedule 1 to the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 412)”.
5. The Highly Flammable Liquids and Liquefied Petroleum Gases Regulations (Northern Ireland) 1975(64) (i) Regulation 2(1)	For the definition of “highly flammable liquid” there shall be substituted— ““highly flammable liquid” means any of the following, other than aqueous ammonia, liquefied flammable gas, and liquefied petroleum gas, that is to say, any liquid, liquid solution, emulsion or suspension which— (a) when tested in accordance with Part III of Schedule 1 to the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 412) has a flash point (as defined in regulation 2(1) of those Regulations) of less than 32° Celsius except that for sub-paragraph (b) of paragraph 1 of that Part there shall be substituted the following sub-paragraph— “ (b) by one of the non-equilibrium methods referred to in paragraph 4, except that when the flash point falls within the range 30°C to 34°C that flash point shall be confirmed by the use of like apparatus using the appropriate equilibrium method referred to in paragraph 3.” and (b) when tested in the manner specified in Schedule 2 supports combustion;”.
(ii) Regulation 2(2)	Revoke.

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(63) S.R. & O (N.I.) 1971 No. 372, as amended by S.R. 1992 No. 413

(64) S.R. 1975 No. 256, as amended by S.R. 1992 No. 413

## SCHEDULE 11

Regulation 21

**Amendments to the Road Traffic Regulations****PART I**

**AMENDMENTS TO THE ROAD TRAFFIC (CARRIAGE  
OF DANGEROUS SUBSTANCES IN PACKAGES  
ETC.) REGULATIONS (NORTHERN IRELAND) 1992**

1. The Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations (Northern Ireland) 1992(65) shall be amended in accordance with paragraphs 2 to 5.

**Regulation 2**

2.—(1) In regulation 2(1)—

- (a) the definition of “the 1985 Regulations” shall be revoked;
- (b) after the definition of “the 1992 Regulations” there shall be inserted—
  - ““the 1993 Regulations” means the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 412);”;
- (c) for the definition of “approved list” there shall be substituted—
  - ““approved carriage list” means “the approved carriage list” described in Regulation 4(2) of the 1993 Regulations;”;
- (d) in the definition of “dangerous substance”—
  - (i) in sub-paragraph (a), for the words from “as dangerous” to “the approved list” there shall be substituted the words “as dangerous for carriage in Column 1 of Part 1 of the approved carriage list” and for the words from “specified in Column 1” to the end there shall be substituted the words “specified in Column I of Part I of Schedule 3 to the 1993 Regulations;”;
  - (ii) in sub-paragraph (b), for the words from “as dangerous” to “the approved list” there shall be substituted the words “as dangerous for carriage in Column 1 of Part 2 of the approved carriage list” and for the words from “specified in Column 1” to the end there shall be substituted “specified in Column 1 of Part I of Schedule 3 to the 1993 Regulations;”;
  - (iii) in sub-paragraph (c), for the words “regulation 6(4) of the 1985 Regulations” there shall be substituted the words “regulation 7(5) of the 1993 Regulations”, and
  - (iv) in sub-paragraph (e), for the words “regulation 6(4) of the 1985 Regulations” there shall be substituted the words “regulation 7(5) of the 1993 Regulations”;
- (e) in the definition of “flammable gas”, for the words “paragraph (2) or (4) of regulation 6 of the 1985 Regulations” there shall be substituted the words “paragraph (2), (3) or (5) of regulation 7 of the 1993 Regulations”;
- (f) in the definition of “flammable solid”, for the words “paragraph (2) or (4) of regulation 6 of the 1985 Regulations”, there shall be substituted “paragraph (2), (3) or (5) of regulation 7 of the 1993 Regulations”;
- (g) in the definition of “flash point”, for the words “the 1985 Regulations”, there shall be substituted the words “the 1993 Regulations”:



- (h) in the definition of “organic peroxide”, for the words “regulation 6(4) of the 1985 Regulations”, there shall be substituted the words “regulation 7(5) of the 1993 Regulations”; and
  - (i) in the definition of “toxic gas”, for the words “paragraph (2) or (4) of Regulation 6 of the 1985 Regulations”, there shall be substituted the words “paragraph (2), (3) or (5) of regulation 7 of the 1993 Regulations”.
- (2) In regulation 2(3)(a)— for paragraph (i), there shall be substituted—
  - (i) in the case of a dangerous substance listed as dangerous for carriage in Column 1 of Part 1 of the approved carriage list or which falls within one of the groups of substances listed as dangerous for carriage in Column 1 of Part 2 of the approved carriage list, as a reference to the packing group (if any) which is specified in the corresponding entry in Column 4 of the Part in which it is listed or grouped as aforesaid,”;
  - (b) in paragraph (ii), for the words from “classified as” to “1985 Regulations” there shall be substituted the words “classified as dangerous for carriage in accordance with regulation 7(5) of the 1993 Regulations”; and
  - (c) in paragraph (iii), for the words from “classified as” to “1985 Regulations” there shall be substituted the words “classified as dangerous for carriage in accordance with regulation 7(5) of the 1993 Regulations”.

### **Regulation 3**

3.—(1) In regulation 3(2)(j), for the words “sub-paragraphs (d) to (j) of regulation 3(1) of the 1985 Regulations” there shall be substituted the words “sub-paragraphs (b) to (g) of regulation 3(1) of the 1993 Regulations”.

### **Regulation 16**

4.—(1) In regulation 16(2)(b), for the words “paragraph (2) or (4) of regulation 6 of the 1985 Regulations” there shall be substituted the words “paragraph (2), (3) or (5) of regulation 7 of the 1993 Regulations”.

(2) In regulation 16(2)(c), for the words “paragraph (2) or (4) of regulation 6 of the 1985 Regulations” there shall be substituted the words “paragraph (2), (3) or (5) of regulation 7 of the 1993 Regulations”.

### **The Schedule**

5.—(1) In the heading to Part I of the Schedule, for the words “dangerous for conveyance by road in accordance with Regulation 6(4) of the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985” there shall be substituted the words “dangerous for carriage in accordance with regulation 7(5) of the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993”.

(2) In each entry in Column 1 of Part I of the Schedule, for the words “regulation 6(4) of the 1985 Regulations”, there shall be substituted the words “regulation 7(5) of the 1993 Regulations”.

(3) In the heading to Part II of the Schedule, for the words “regulation 6(4) of the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985”, there shall be substituted the words “regulation 7(5) of the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993”.

(4) In the heading of Part III of the Schedule, for the words “regulation 6(4) of the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985”) there shall

be substituted the words “regulation 7(5) of the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993”.

## PART II

### AMENDMENTS TO THE ROAD TRAFFIC (CARRIAGE OF DANGEROUS SUBSTANCES IN ROAD TANKERS AND TANK CONTAINERS) REGULATIONS (NORTHERN IRELAND) 1992

1. The Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1992(66) shall be amended in accordance with paragraphs 2 and 3.

#### Regulation 2

2. In regulation 2(1) in the definition of “flash point”, for the words “the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985” there shall be substituted the words “the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 412)”.

#### Schedule 1

3.—(1) In Part I of Schedule 1, in sub-paragraph (b) of the description of the characteristic properties of a substance classified as “flammable liquid” in Column 1, for the words “Part III of Schedule 2 to the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985” there shall be substituted the words “Part III of Schedule 3 to the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993”.

(2) In Part III of Schedule 1, in paragraph 3(c), for the words “paragraph 3 of Part II of Schedule 2 to the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985” there shall be substituted the words “paragraph 4 of Part 11 of Schedule 3 to the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993”.

(3) In Part IV of Schedule 1, in paragraph 3(c), for the words “paragraph 3 of Part II of Schedule 2 to the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985”, there shall be substituted the words “paragraph 4 of Part II of Schedule 3 to the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993”.

## PART III

### AMENDMENTS TO THE ROAD TRAFFIC (TRAINING OF DRIVERS OF VEHICLES CARRYING DANGEROUS GOODS) REGULATIONS (NORTHERN IRELAND) 1992

1. The Road Traffic (Training of Drivers of Vehicles Carrying Dangerous Goods) (Northern Ireland) Regulations 1992(67) shall be amended in accordance with paragraphs 2 and 3.

#### Regulation 2

2.—(1) In Regulation 2(1)—

(a) for the definition of “approved list”, there shall be substituted—

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(66) S.R. 1992 No. 260

(67) S.R. 1992 No. 262, to which there are amendments not relevant to these Regulations

““approved carriage list” means “the approved carriage list” described in regulation 4(2) of the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 412);”;

- (b) in the definition of “flash point”, for the words “the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985” there shall be substituted the words “the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993”.

## Schedule 2

3. In Part II of Schedule 2, in sub-paragraph (4, for the words “sub-paragraphs (d) to (j) of regulation 3(1) of the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985” there shall be substituted the words “sub-paragraphs (b) to (g) of regulation 3(1) of the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993”.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations which regulate the classification, packaging and labelling of substances and preparations dangerous for supply or carriage replace the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985 which they revoke.

The Regulations implement as respects Northern Ireland the provisions of the following Directives—

- (a) Council Directive [92/32/EEC](#) (O.J. No. L154, 5.6.92, p. 1) amending for the 7th time Council Directive [67/548/EEC](#) (O.J. No. L196, 16.8.67, p. 1 (O.J./S.E. 1967, p. 234)) insofar as these provisions relate to the classification, packaging and labelling of dangerous substances;
- (b) Council Directive [88/379/EEC](#) (O.J. No. L187, 16.7.88, p. 14) as amended by Commission Directive [90/492/EEC](#) (O.J. No. L275, 5.10.90, p. 35) on the classification, packaging and labelling of dangerous preparations;
- (c) Council Directive [78/631/EEC](#)(O.J. No. L206,29.7.78, p. 13) on the classification, packaging and labelling of dangerous substances (pesticides); and
- (d) Commission Directive [91/155/EEC](#)(O.J. No. L76, 22.3.91, p. 35) on the system of specific information relating to dangerous preparations (safety data sheets),

except insofar as those Directives relate to the provision of child resistant fastenings for certain packages containing dangerous substances and preparations.

Regulation 3 describes the scope of the Regulations. Regulation 4 defines and describes “the approved supply list” and “the approved carriage list” that have respectively been approved by the Department of Economic Development and published by the Health and Safety Commission for the purposes of classifying substances and preparations dangerous for supply or carriage.

Regulation 5 prohibits the supply of substances dangerous for supply unless they are classified in accordance with that regulation. Substances are dangerous for supply if they are classified in the approved supply list or are substances which have the properties described in Schedule 1.

Preparations (other than pesticides) are dangerous for supply if, when classified in accordance with Schedule 4, they are in one or more of the categories of danger specified in Schedule 1. Special rules for the classification of pesticides (other than pesticides approved or required to be approved under the Food and Environment Protection Act 1985) are set out in Schedule 5.

Regulation 6 describes the safety data sheets which (with certain exceptions) are required to be provided when substances or preparations dangerous for supply are supplied and Schedule 6 sets out the headings under which particulars are to be provided in safety data sheets.

Regulation 7 prohibits the consignment for carriage of a substance dangerous for carriage unless it is classified in accordance with that regulation, Substances (including preparations) are dangerous for carriage if they are classified in the approved carriage list or are substances which have the properties described in Schedule 3.

The Regulations impose requirements in respect of the packaging of substances and preparations dangerous for supply or carriage (regulation 8), in respect of the particulars to be displayed on labels for substances and preparations dangerous for supply (regulation 9 and Schedule 7) and for carriage (regulation 10 and Schedule 8).

Certain derogations are permitted from the labelling requirements (regulations 11 and 12).

Regulation 13 imposes special labelling requirements for certain preparations dangerous for supply and Schedule 7 sets out the particulars to be shown on such labels. Regulation 14 sets out the methods of labelling packages containing substances and preparations dangerous for supply or for carriage. Regulation 15 specifies that where labelling complies with these Regulations, then it is deemed to satisfy the requirements of certain enactments.

Regulation 16 requires the person who classifies a substance or preparation dangerous for supply to retain the data used for the classification for three years and make it available to the enforcing authority on request. Regulation 17 requires information in relation to certain preparations dangerous for supply to be notified to the poisons advisory centre.

Regulation 18 makes provisions for exemptions to be granted in certain circumstances by the Department of Economic Development. Regulation 19 provides for enforcement and for a defence in the case of contravention of the Regulations. Regulation 20 and Schedules 9 and 10, regulation 21 and Schedule 11 amend certain enactments. Regulation 22 revokes the Classification, Packaging, Labelling of Dangerous Substances Regulations (Northern Ireland) 1985 and certain other regulations. Regulation 23 sets out transitional provisions.

Copies of the publications referred to in these Regulations are obtainable as follows:—

- (a) (i) the approved carriage list [ISBN 0-11-882157-1],  
(ii) the approved supply list [ISBN 0-11-882156-3] and  
(iii) the approved classification and labelling guide [ISBN 0-11-882155-5],  
from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 6FS;
- (b) (i) Regulations concerning the International Carriage of Goods by Rail (RID) [ISBN 0-11-550814-7], and  
(ii) European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) [ISBN 0-11-550901-1],  
from Her Majesty's Stationery Office, 16 Arthur Street, Belfast, BT1 4GD;
- (c) the International Maritime Dangerous Goods Code (IMDG) [Volumes I to IV ISBN 92-801-1055-1, Volume V [ISBN 92-801-1125-6] from the International Maritime Organisation, 4 Albert Embankment, London, SE1 7SR;
- (d) Technical Instructions for the Safe Transport of Dangerous Goods by Air and Supplement [ISBN 0-9400394-18-9] from International Aeradio Ltd., Aeradio House, Hayes Road, Southall, Middlesex, UB2 5NG; and

- (e) The British, national and international standard specifications referred to in Part III of Schedule 1 (relating to the determination of flash point) from (by personal callers) the British Standards Institution, 2 Park Street, London W1A 2BS or (by post) from the British Standards Institution, Linford Wood, Milton Keynes, MK14 6LE.

A person who contravenes the Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978.