

Statutory Instrument 1996 No. 1092

The Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations 1996

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STATUTORY INSTRUMENTS

1996 No. 1092

HEALTH AND SAFETY

The Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations 1996

Made

11th April 1996

Laid before Parliament

18th April 1996

Coming into force in accordance with regulation 1

The Secretary of State, being the designated Minister^[1] for the purpose of section 2(2) of the European Communities Act 1972^[2] in relation to the regulation and control of classification, packaging and labelling of dangerous substances and preparations, and for measures related to consumer protection, in the exercise of the powers conferred on him by the said section 2(2) and sections 15(1) and (2) of, and paragraphs 1(1)(b) and (4) of Schedule 3 to, the Health and Safety at Work etc. Act 1974^[3] ("the 1974 Act") and of all other powers enabling him in that behalf, for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following regulations:—

Citation and commencement

1. These Regulations may be cited as the Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations 1996 and shall come into force on 1 June 1996, except for regulation 3(4), which shall come into force on 1 September 1996.

Interpretation

2. In these Regulations "the principal Regulations" means the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994^[4].

Modifications to the principal Regulations

3.—(1) The principal Regulations shall be modified in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1)—

(a) in the definition of "EEC number", in head (c), for the footnote to ELINCS substitute the footnote "OJ No. C361, 17.12.94, p.1"; and

(b) after the definition of "pesticide" insert the following definitions—

"petrol" has the same meaning as in regulation 2(1) of the Motor Fuel (Lead Content of Petrol) Regulations 1981^[5];

"plant protection product" has the same meaning as in regulation 2(1) of the Plant Protection Products Regulations 1995^[6];" .

(3) In regulation 3—

(a) in paragraph (1)—

(i) delete the word "or" at the end of sub-paragraph (n),

(ii) at the end of sub-paragraph (o) for the full stop substitute a semi-colon, followed by the word "or", and

- (iii) after sub-paragraph (o) insert the following sub-paragraph—
" (p) a plant protection product, which has been approved under the Plant Protection Products Regulations 1995[6]." ; and
- (b) after paragraph (4) insert the following paragraph—
" (4A) Notwithstanding sub-paragraphs (a), (b), (e), (f), (i), (n) and (o) of paragraph (1), paragraphs (3A) and (3B) of regulation 9 shall apply to the substances and preparations referred to in those sub-paragraphs whether or not they are substances or preparations dangerous for supply." .
- (4) In regulation 4—
(a) for the words "2nd Edition" substitute the words "3rd Edition" ;
(b) for the date "18 October 1994" substitute the date "24 January 1996" ; and
(c) after paragraph (f) insert the following paragraph—
" (g) in Part VII, the descriptions specified in the European Inventory of Existing Commercial Chemical Substances for complex coal, oil and gas derived substances," .
- (5) In regulation 9—
(a) delete the word "and" at the end of paragraph (2)(b);
(b) in paragraph (2)(c)—
(i) in paragraph (iv), for the words "the words "EEC label"" , substitute the words "either the words "EC label" or "EEC label"" , and
(ii) for the full stop at the end of the paragraph substitute a semi-colon, followed by the word "and" ;
(c) after paragraph (2)(c) insert the following sub-paragraph—
" (d) where required by paragraph (3A) or (3B), the labelling phrase specified therein." ;
(d) delete the word "and" at the end of paragraph (3)(c);
(e) for the full stop at the end of paragraph (3)(d) substitute a semi-colon, followed by the word "and" ;
(f) after paragraph (3)(d), insert the following sub-paragraph—
" (e) where required by paragraph (3A) or (3B), the labelling phrase specified therein," ; and
(g) after paragraph (3) insert the following paragraphs—
" (3A) Subject to paragraph (3C), and without prejudice to any other requirements in these Regulations, in respect of a substance specified in Part III A of Schedule 6 or a preparation containing such a substance, either of which is required to be classified and labelled in accordance with these Regulations (or would be so required, but for any of the exceptions contained in sub-paragraphs (a), (b), (e), (f), (i), (n) and (o) of paragraph (1) of regulation 3), as—
(a) Carcinogenic of category 1 or 2;
(b) Mutagenic of category 1 or 2; or
(c) Toxic for reproduction of category 1 or 2,
the labelling phrase "Restricted to professional users" shall be included in the particulars specified in paragraph (2) or

(3), as the case may be.

(3B) Without prejudice to any other requirements in these Regulations, in respect of—

(a) a substance specified in Part III B of Schedule 6; or
(b) a preparation containing such a substance in a concentration by weight of 0.1% or more,
which is dangerous for supply, the labelling phrase "Restricted to professional users" shall be included in the particulars specified in paragraph (2) or (3), as the case may be, and where such a substance or preparation is not dangerous for supply the said phrase shall be clearly shown in accordance with the requirements of regulation 11 as if it were dangerous for supply.

(3C) Notwithstanding regulation 3(4A), paragraph (3A) shall not apply to—

(a) petrol which complies with paragraph (1) of regulation 4 of the Motor Fuel (Lead Content of Petrol) Regulations 1981;
(b) mineral oil products intended for use as fuel in mobile or fixed combustion plants;
(c) fuels sold in closed systems; and
(d) artists' paints." .

(6) In regulation 12(4)(d), for the number "3291" substitute the number "3219" .

(7) In regulation 16, for paragraph (1) substitute the following paragraph—

" (1) Subject to paragraphs (2) and (3)—
(a) the provisions of the Health and Safety at Work etc. Act 1974[7] which relate to the approval of codes of practice
and their use in criminal proceedings, to enforcement and to offences; and
(b) sub-section (2) of section 47 of the Health and Safety at Work etc. Act 1974,

shall apply to the provisions of regulations 5 to 14 as if those provisions had been made under section 15 of the said Act,
whether or not the provisions of that Act would apply but for this paragraph." .

(8) In regulation 18, for "the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1989"
substitute "the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1995"[8].

(9) Part II of Schedule 3 shall be modified in accordance with Schedule 1 to these Regulations.

(10) Schedule 6 shall be modified in accordance with Schedule 2 to these Regulations.

John Selwyn Gummer

Secretary of State for the Environment

11th April 1996

SCHEDULE 1

Regulation 3(9)

MODIFICATIONS TO PART II OF SCHEDULE 3 TO THE PRINCIPAL REGULATIONS

1. Part II of Schedule 3 to the principal Regulations shall be modified in accordance with the following paragraphs of this Schedule.
2. In Table III, in the first entry in the column headed "Classification of the substance" , for the symbol "T+" substitute the symbol "T" .
3. In Table IIIA, in the first entry in the column headed "Classification of the substance (gas)" , for the symbol "T+" substitute the symbol "T" .
4. Table IVA shall be modified as follows—
 - (a) under the column headed "Xi with R41" delete the last entry, that is, the words "concentration >5% R41 obligatory" ;
 - (b) in the notes below the table, in paragraph (a)—
 - (i) for each occurrence of the figure "10%" substitute the figure "5%" , and
 - (ii) for the figure "5%" substitute the figure "0.2%" ; and
 - (c) in the notes below the table, in paragraph (b)—
 - (i) for the figure "20%" substitute the figure "5%" ,
 - (ii) for each occurrence of the figure "5%" substitute the figure "0.5%" , and
 - (iii) for the figure "1%" substitute the figure "0.02%" .

(Schedule 2 omitted)

EXPLANATORY NOTE

Statutory Instrument 1996 No. 1092

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(3) In regulation 3—

(a) in paragraph (1)—

(i) delete the word "or" at the end of sub-paragraph (n),

(ii) at the end of sub-paragraph (o) for the full stop substitute a semi-colon, followed by the word "or" , and

(iii) after sub-paragraph (o) insert the following sub-paragraph—

"(p) a plant protection product, which has been approved under the Plant Protection Products Regulations 1995[6]." ; and

(b) after paragraph (4) insert the following paragraph—

" (4A) Notwithstanding sub-paragraphs (a), (b), (e), (f), (i), (n) and (o) of paragraph (1), paragraphs (3A) and (3B) of regulation 9 shall apply to the substances and preparations referred to in those sub-paragraphs whether or not they are substances or preparations dangerous for supply." .

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Substances for complex coal, oil and gas derived substances," .

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(i) in paragraph (iv), for the words "the words "EEC label"" , substitute the words "either the words "EC label" or "EEC label"" , and

(ii) for the full stop at the end of the paragraph substitute a semi-colon, followed by the word "and" ;

(c) after paragraph (2)(c) insert the following sub-paragraph—

"(d) where required by paragraph (3A) or (3B), the labelling phrase specified therein." ;

(d) delete the word "and" at the end of paragraph (3)(c);

(e) for the full stop at the end of paragraph (3)(d) substitute a semi-colon, followed by the word "and" ;

(f) after paragraph (3)(d), insert the following sub-paragraph—

"(e) where required by paragraph (3A) or (3B), the labelling phrase specified therein," ; and

(g) after paragraph (3) insert the following paragraphs—

" (3A) Subject to paragraph (3C), and without prejudice to any other requirements in these Regulations, in respect of a substance specified in Part III A of Schedule 6 or a preparation containing such a substance, either of which is

required to be classified and labelled in accordance with these Regulations (or would be so required, but for any of the

exceptions contained in sub-paragraphs (a), (b), (e), (f), (i), (n) and (o) of paragraph (1) of regulation 3), as—

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(3), as the case may be.

(3B) Without prejudice to any other requirements in these Regulations, in respect of—

(a) a substance specified in Part III B of Schedule 6; or

(b) a preparation containing such a substance in a concentration by weight of 0.1% or more,
which is dangerous for supply, the labelling phrase "Restricted to professional users" shall be included in the particulars specified in paragraph (2) or (3), as the case may be, and where such a substance or preparation is not dangerous for supply the said phrase shall be clearly shown in accordance with the requirements of regulation 11 as if it were dangerous for supply.

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