STATUTORY INSTRUMENTS

1990 No. 1255

HEALTH AND SAFETY

The Classification, Packaging and Labelling of Dangerous Substances (Amendment) Regulations 1990

Made - - - -	*14th June 1990*
Laid before Parliament	*27th June 1990*
Coming into force	*18th July 1990*

The Secretary of State being the designated(a) Minister for the purpose of section 2(2) of the European Communities Act 1972(b) in relation to the regulation and control of classification, packaging and labelling of dangerous substances and preparations, in the exercise of the powers conferred on him by the said section 2 and sections 15(1), (4)(a) and (6)(b) and 82(3)(a) of the Health and Safety at Work etc. Act 1974(c) ("the 1974 Act") and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act, after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Classification, Packaging and Labelling of Dangerous Substances (Amendment) Regulations 1990 and shall come into force on 18th July 1990.

(2) In these Regulations "the principal Regulations" means the Classification, Packaging and Labelling of Dangerous Substances Regulations 1984(d).

Amendments to the principal Regulations

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

Transitional provision

3.—(1) Until 18th September 1990 it shall be a sufficient compliance with the principal Regulations if a substance is classified and labelled in accordance with the list approved by the Health and Safety Commission on 9th February 1988 entitled "Information Approved for the Classification, Packaging and Labelling of Dangerous Substances (2nd Edition)" as revised by the document approved by the Health and Safety Commission on 25th April 1989 and entitled "Revision No. 1 to the Approved List (Information Approved for the Classification, Packaging and Labelling of Dangerous Substances (2nd Edition))".

(a) S.I. 1976/897.
(b) S.I. 1972 c.68.
(c) 1974 c.37; sections 15 and 50 were amended by Schedule 15 of the Employment Protection Act 1975 (c.71), paragraphs 6 and 16 respectively.
(d) S.I. 1984/1244, amended by S.I. 1986/1922, 1988/766 and 1989/2208.

(2) In any proceedings for an offence under the principal Regulations consisting of supplying or conveying by road before 18th March 1991 a dangerous substance in a receptacle or package, with a capacity of 25 litres or less, which does not comply with the requirements of those Regulations, it shall be a defence for the person charged to prove–

(a) that if the substance had been supplied or, as the case may be, had been conveyed by road before 18th September 1990 no offence would have been committed;

(b) that the substance was packaged and labelled before 18th September 1990 and had not been removed from the receptacle or the package, as the case may be, after that date; and

(c) that it was not reasonably practicable either–

(i) to re-label or re-package the substance before it was supplied, or conveyed by road, or

(ii) to supply it or convey it by road on a date earlier than it was in fact supplied or conveyed by road.

Signed by order of the Secretary of State.

Patrick Nicholls
Parliamentary Under Secretary of State,
Department of Employment

14th June 1990

THE SCHEDULE

Regulation 2

THE CLASSIFICATION, PACKAGING AND LABELLING OF DANGEROUS SUBSTANCES REGULATIONS 1984

AMENDMENTS

Regulations and Schedules	*Amendments*
1. Regulation 4	For the words '9th February 1988 entitled "Information Approved for the Classification, Packaging and Labelling of Dangerous Substances (2nd Edition)" as revised by the document approved by the Health and Safety Commission on 25th April 1989 and entitled "Revision No. 1 to the Approved List (Information Approved for the Classification, Packaging and Labelling of Dangerous Substances (2nd Edition))" ' substitute the words '24th April 1990 entitled "Information Approved for the Classification, Packaging and Labelling of Dangerous Substances (3rd edition)" '.
2. Schedule 6 Part II	In paragraph 11, for "0.25 per cent" substitute "0.15 per cent".
3. Schedule 6 Part III	After paragraph 23, insert the following paragraph– '*Special provisions relating to stabilizers* 24. Where a substance contains a stabilizer and following the name of that substance in Part 1A of the approved list reference is made to this paragraph by the note "(see Schedule 6.24)" and that stabilizer changes what would otherwise be the classification of the substance shown in column 2 of that Part, the substance shall be classified in accordance with regulation 5(5)'.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Classification, Packaging and Labelling of Dangerous Substances Regulations 1984 ("the principal Regulations") to give effect with respect to Great Britain to the provisions of the Commission Directive 88/490/EEC (OJ No. L 25[9], 19.9.88, p.1) adapting to technical progress for the tenth time Council Directive 67/548/EEC (OJ No. L 196, 16.8.67, p.1) (OJ/SE 197, p.234) on the classification, packaging and labelling of dangerous substances in relation to substances dangerous for supply and of the Commission Directive 89/451/EEC (OJ No. L 216, 27.7.89, p.75) adapting to technical progress for the third time Council Directive 77/728/EEC (OJ No. L 303/23, 28.11.77, p.23) on the classification, packaging and labelling of paints etc.

The Regulations also give effect to the 1988 recommendations of the United Nations Committee on the transport of dangerous goods in relation to substances dangerous for conveyance.

Commission Directive 88/490/EEC and the 1988 recommendations of the United Nations Committee on the transport of dangerous goods in relation to substances dangerous for conveyance require amendments to the approved list described in regulation 4 of the principal Regulations and these amendments have been incorporated in the third edition of the approved list. Regulation 4 has therefore been amended in the Schedule to these Regulations to refer to the third edition of the approved list. Regulation 3 of these Regulations contains a transitional provision which allows substances which are classified and labelled in accordance with the previous edition of the approved list to be supplied until 18th September 1990 and additional provision is made in certain circumstances in relation to small packages until 18th March 1991.

Copies of the third edition of the approved list which was published by the Health and Safety Commission and is entitled "Information Approved for the Classification, Packaging and Labelling of Dangerous Substances (3rd Edition)" (ISBN 0 11 885542 5) are obtainable from Her Majesty's Stationery Office.

The other objectives required by the Commission Directives are achieved by paragraphs 2 (Commission Directive 89/451/EEC) and 3 (Commission Directive 88/490/EEC) of the Schedule to these Regulations. Paragraph 2 lowers the amount of lead referred to in paragraph 11 of Part II of Schedule 6 to the principal Regulations so that labelling is required for paints and varnishes containing the lower percentage of lead. Paragraph 3 makes special provision for the classification of substances containing a stabilizer.