



STATUTORY INSTRUMENTS.

S.I. No. 622 of 2015



SAFETY, HEALTH AND WELFARE AT WORK (CARCINOGENS)
(AMENDMENT) REGULATIONS 2015

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I, RICHARD BRUTON, Minister for Jobs, Enterprise and Innovation, in exercise of the powers conferred on me by section 58 of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005) (as adapted by the Enterprise, Trade and Innovation (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 245 of 2011)) and to give effect to Article 5 of Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014¹ and after consultation with the Health and Safety Authority, hereby make the following regulations:

1. (1) These Regulations may be cited as the Safety, Health and Welfare at Work (Carcinogens) (Amendment) Regulations 2015.

(2) The Principal Regulations and these Regulations may be cited together as the Safety, Health and Welfare at Work (Carcinogens) Regulations 2001 and 2015.

2. (1) In these Regulations “Principal Regulations” means the Safety, Health and Welfare at Work (Carcinogens) Regulations 2001 (S.I. No. 78 of 2001).

(2) A word or expression that is used in these Regulations and is also used in Article 5 of Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014¹, has, unless the contrary intention appears, the same meaning in these Regulations and the Principal Regulations as it has in that Article.

3. Regulation 2 of the Principal Regulations is amended—

(a) in paragraph (1) by—

(i) the insertion of the following definition:

“ ‘Act of 2005’ means the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005);”

(ii) the substitution of the following definition for the definition of “carcinogen”:

“ ‘carcinogen’ means—

(a) a substance or mixture which meets the criteria for classification as a category 1A or 1B carcinogen set

¹OJ No. L65, 5.3.2014, p.1

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 5th January, 2016.*

out in Annex I to Regulation (EC) No. 1272/2008 of the European Parliament and of the Council²;

- (b) a substance, mixture or process referred to in Schedule 1 as well as a substance or mixture released by a process referred to in that Schedule;”,

and

- (iii) the substitution of the following definition for the definition of “mutagen”:

“ ‘mutagen’ means a substance or mixture which meets the criteria for classification as a category 1A or 1B germ cell mutagen set out in Annex I to Regulation (EC) No. 1272/2008;”, and

- (b) by the substitution for paragraph (4) of the following paragraph:

“(4) As regards asbestos, these Regulations shall, in addition to the Safety, Health and Welfare at Work (Exposure to Asbestos) Regulations 2006 (S.I. No. 386 of 2006) and the Safety, Health and Welfare at Work (Exposure to Asbestos) (Amendment) Regulations 2010 (S.I. No. 589 of 2010), apply where such application is more favourable to health and safety at work.”.

4. Regulation 3 of the Principal Regulations is amended in paragraph (2) by the substitution of “section 8(3) of the Act of 2005” for “Regulation 4 of the Safety, Health and Welfare at Work (General Application) Regulations, 1993 (S.I. No. 44 of 1993)”.

5. Regulation 4 of the Principal Regulations is amended in paragraph (g) by the substitution of “mixture” for “preparation”.

6. Regulation 5 of the Principal Regulations is amended in paragraph (2)—

(a) in subparagraph (b), by the substitution of “mixtures” for “preparations”, and

(b) in subparagraph (g), by the substitution of “mixtures” for “preparations”.

7. Regulation 6 of the Principal Regulations is amended—

(a) in paragraph (3), by the substitution of “section 21 of the Act of 2005” for “Regulation 6 of the Safety, Health and Welfare at Work (General Application) Regulations, 1993”, and

²OJ No. L353, 31.12.2008, p.1

(b) in paragraph (4), by the substitution of “section 8 of the Act of 2005” for “Regulation 14 of the Safety, Health and Welfare at Work (General Application) Regulations, 1993”.

8. Regulation 7 of the Principal Regulations is amended—

(a) in paragraph (2) by the substitution of “section 8 of the Act of 2005” for “Regulation 14 of Safety, Health and Welfare at Work (General Application) Regulations, 1993 (S.I. No. 44 of 1993)”, and

(b) in paragraph (3), by the substitution of “section 21 of the Act of 2005” for “Regulation 6 of the Safety, Health and Welfare at Work (General Application) Regulations, 1993”.

9. Regulation 9 of the Principal Regulations is amended by the substitution of “section 8(5) of the Act of 2005” for “Regulation 7 of the Safety, Health and Welfare at Work (General Application) Regulations, 1993”.

10. Regulation 10 of the Principal Regulations is amended—

(a) in paragraph (1), by the substitution of “section 8(2)(g) of the Act of 2005” for “section 6(2)(e) of the Act”, and

(b) in paragraph (5), by the substitution of “section 10 of the Act of 2005” for “Regulations 11 and 13 of the Safety, Health and Welfare at Work (General Application) Regulations, 1993”.

11. Regulation 11 of the Principal Regulations is amended by the substitution of “section 9(3) of the Act of 2005” for “Regulation 12 of the Safety, Health and Welfare at Work (General Application) Regulations, 1993”.

12. Regulation 12 of the Principal Regulations is amended in paragraph (5) by the substitution of “section 63 of the Act of 2005” for “section 34(4)(a) of the Act”.

13. Schedule 1 to the Principal Regulations is amended by the substitution of “Substances, Mixtures and Processes within the meaning of ‘carcinogen’ ” for “List of Substances, Preparations and Processes referred to in Regulation 2(c)”.



GIVEN under my Official Seal,
22 December 2015.

RICHARD BRUTON,
Minister for Jobs, Enterprise and Innovation.

EXPLANATORY NOTE

(This Note is not part of the Instrument and does not purport to be a legal interpretation.)

Directive 2014/27/EU seeks to amend five EU Directives on health and safety at work as a result of the adoption of the EU “CLP” Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures in 2008.

The Safety, Health and Welfare at Work (Carcinogens) (Amendment) Regulations 2015 amend S.I. No. 78 of 2001 in order to transpose Article 5 of Directive 2014/27/EU.

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