
STATUTORY INSTRUMENTS

1985 No. 2011

**PUBLIC HEALTH, ENGLAND AND WALES
PUBLIC HEALTH, SCOTLAND
PUBLIC HEALTH, NORTHERN IRELAND**

The Control of Pollution (Anti-Fouling Paints) Regulations 1985

<i>Made - - - -</i>	18th December 1985
<i>Laid before Parliament</i>	23rd December 1985
<i>Coming into Operation</i>	13th January 1986

The Secretary of State—

(1) having consulted persons appearing to him to represent persons whose activities are likely to be prohibited or restricted by these regulations;

(2) having published on 27th September 1985 in the London Gazette, on 25th October 1985 in the Belfast Gazette and the Edinburgh Gazette, and on other dates in such other publications which he considered appropriate, a notice indicating the effect of these regulations, if made, and specifying—

- (a) the date on which it is proposed they should come into force;
- (b) places where a draft of them might be inspected by members of the public in office hours; and
- (c) a period of 21 days beginning with the date of the notice as the period in which written representations might be made to the Secretary of State;

(3) having considered the representations made to him in accordance with the notice; and

(4) considering it appropriate to make these regulations to prevent the substances to which they apply causing damage to freshwater, estuarial and marine animals and plants,

in exercise of the powers conferred on him by sections 100 and 104(1) of the Control of Pollution Act 1974^(a) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, commencement and extent

1.—(1) These regulations may be cited as the Control of Pollution (Anti-Fouling Paints) Regulations 1985 and shall come into operation on 13th January 1986.

(2) These regulations shall extend to all parts of the United Kingdom.

Interpretation

2. In these regulations—

“anti-fouling paint” means any surface coating containing one or more

(a) 1974 c.40.

chemical compounds that have the effect of inhibiting the growth of freshwater, estuarial or marine organisms and intended to be applied in a liquid or semi-liquid form to the hull of a ship or boat;

“copolymer paint” means any anti-fouling paint in which organo-tin compounds are chemically combined with the film-forming components of the paint;

“organo-tin compound” means a chemical compound in which tin is present in an organically bound form;

“retail sale” means sale by way of business to a person who does not buy, or hold himself out as buying, in the course of a business; and

“supply” includes offer to supply.

Anti-fouling paints to which the regulations apply

3. These regulations apply to—

- (a) any copolymer paint containing one or more organo-tin compounds if—
 - (i) the total concentration of tin in the dried paint is greater than 7.5 per cent. by weight; or
 - (ii) the total concentration of tin in the dried paint which is tin that does not form a part of the film-forming components of the paint is greater than 0.75 per cent. by weight; and
- (b) any other anti-fouling paint containing one or more organo-tin compounds, if the total concentration of tin in the dried paint is greater than 2.5 per cent. by weight.

Prohibition of supply of paints

4. No person shall supply a paint to which these regulations apply—

- (a) for retail sale, or
- (b) by way of retail sale for any purpose.

Offences

5.—(1) A person who contravenes regulation 4 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £2000, and on conviction on indictment to a fine.

(2) Where a person is charged with an offence under these regulations it shall be a defence for him to prove that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

Kenneth Baker,
Secretary of State for
the Environment.

16th December 1985.

Nicholas Edwards,
Secretary of State for Wales.

17th December 1985.

George Younger,
Secretary of State for Scotland.

17th December 1985.

Tom King,
Secretary of State for
Northern Ireland.

18th December 1985.

EXPLANATORY NOTE

(This note is not part of the regulations.)

These regulations prohibit the retail sale, and the supply for retail sale, of certain anti-fouling paints containing organo-tin compounds.

The prohibition applies to copolymer paints if the dried paint contains more than 7.5 per cent. by weight of tin (subject to a limit on the amount of tin that is not part of the film-forming components), and to other types of anti-fouling paint if the dried paint contains more than 2.5 per cent. by weight of tin (regulations 3 and 4).

Regulation 5 prescribes criminal penalties for a contravention of the regulations. The maximum penalty on summary conviction is a fine of £2000 and on conviction on indictment an unlimited fine. It is a defence to show that the accused took all reasonable steps and exercised all due diligence to avoid commission of the offence charged.

The regulations apply throughout the United Kingdom.