
STATUTORY INSTRUMENTS

2002 No. 1689

The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002

PART II

GENERAL REQUIREMENTS

Child resistant fastenings, tactile warning devices and other consumer protection measures

11.—(1) The British and International Standards referred to in this regulation are further described in Schedule 6.

(2) Subject to paragraph (4) and (5), no person shall supply to the general public a substance or a preparation specified in paragraph (3) in a receptacle of any size fitted with—

- (a) a replaceable closure unless the packaging complies with the requirements of BS EN 28317 or ISO 8317; or
- (b) a non-replaceable closure unless the packaging complies with the requirements of EN 862.

(3) The substances and preparations referred to in paragraph (2) are—

- (a) dangerous substances and dangerous preparations which are required to be labelled with the indication of danger “very toxic”, “toxic” or “corrosive”;
- (b) preparations containing methanol in a concentration equal to or more than 3% by weight;
- (c) preparations containing dichloromethane in a concentration equal to or more than 1% by weight;
- (d) substances which are assigned the risk phrase (R65) in the approved supply list, except where such a substance is supplied in an aerosol dispenser or a container fitted with a sealed spray attachment; and
- (e) substances and preparations which are assigned the risk phrase (R65) and are classified and labelled according to the approved classification and labelling guide, except where such a substance or preparation is supplied in an aerosol dispenser or a container fitted with a sealed spray attachment.

(4) Paragraph (2) shall not apply if the person supplying the substance or preparation in question can show that it is obvious that the packaging in which the substance or preparation is supplied is sufficiently safe for children because they cannot obtain access to the contents without the help of a tool.

(5) If the packaging, in which a substance or preparation specified in paragraph (3) is supplied to the general public, was approved on or before 31st May 1993 by the British Standards Institution as complying with the requirements of BS 6652, that packaging shall be deemed to comply with the requirements of BS EN 28317.

(6) No person shall supply a dangerous preparation or a preparation specified in paragraph (3) to the general public if the packaging in which that preparation is supplied has—

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- (a) either a shape or a designation or both likely to attract or arouse the active curiosity of children or to mislead consumers;
- (b) either a presentation or a designation or both used for—
 - (i) human or animal foodstuffs,
 - (ii) medicinal products, or
 - (iii) cosmetic products.

(7) Subject to paragraph (9), no person shall supply to the general public a dangerous substance or a dangerous preparation specified in paragraph (8) in a receptacle of any size, unless the packaging in which that dangerous substance or dangerous preparation is supplied carries a tactile warning of danger in accordance with EN ISO 11683.

(8) The dangerous substances and the dangerous preparations referred to in paragraph (7) are those which are required to be labelled with one or more of the following indications of danger, namely—

- (a) very toxic;
- (b) toxic;
- (c) corrosive;
- (d) harmful;
- (e) extremely flammable; or
- (f) highly flammable.

(9) Paragraph (7) shall not apply to an aerosol dispenser which is classified and labelled only with the indication of danger extremely flammable or highly flammable.

(10) For the purpose of ascertaining whether there has been a contravention of paragraph (2), a duly authorised officer of the enforcing authority may require the person supplying a substance or a preparation to which that paragraph applies to provide him with a certificate from a qualified test house stating that—

- (a) the closure is such that it is not necessary to test to BS EN 28317 or ISO 8317; or
- (b) the closure has been tested and found to conform to BS EN 28317 or ISO 8317.

(11) In this regulation, “qualified test house” means a laboratory that conforms to BS 7501 or EN 45 000.

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Pt. 2 Sch. 5 substituted by [S.I. 2008/2337 reg. 5](#)Sch. 4 Pt. 2
- Sch. 3 Pt. 1 para. 19(2) omitted by [S.I. 2008/2337 reg. 4\(a\)](#)
- Sch. 5 Pt. 1 para. 2(4) word substituted by [S.I. 2005/2571 reg. 2\(9\)\(a\)](#)
- Sch. 5 Pt. 1 para. 3(5) word substituted by [S.I. 2005/2571 reg. 2\(9\)\(b\)](#)
- Sch. 5 Pt. 2B para. 11 substituted by [S.I. 2004/3386 reg. 3](#)
- reg. 8A(4) word substituted by [S.I. 2007/1573 Sch. 8](#)
- reg. 8A(4) words added by [S.I. 2008/2337 reg. 3\(1\)](#)
- reg. 9(2A) added by [S.I. 2008/2337 reg. 3\(2\)\(b\)](#)