

1980 No.136

CONSUMER PROTECTION

**The Dangerous Substances and Preparations (Safety)
Regulations 1980**

Laid before Parliament in draft

<i>Made</i> - - - -	<i>4th February 1980</i>
<i>Coming into Operation—</i>	
<i>Regulations 1, 2 and 4</i>	<i>11th February 1980</i>
<i>Regulation 3 and the Schedule</i> - - -	<i>1st March 1980</i>

Whereas the Secretary of State has, in accordance with the provisions of section 1(4) of the Consumer Safety Act 1978(a), consulted with such organisations as appear to him to be representative of interests substantially affected by these Regulations, with such other persons as he considers appropriate and with the Health and Safety Commission:

And whereas a draft of these Regulations has been approved by a resolution of each House of Parliament:

Now, therefore, the Secretary of State, being a Minister designated (b) for the purposes of section 2(2) of the European Communities Act 1972(c) in relation to measures for safety and consumer protection as respects aerosols, and any provisions concerning the composition, labelling, marketing, classification or description of aerosols, in exercise of the powers conferred by that section and of the powers conferred upon him by section 1 of the said Act of 1978 hereby makes the following Regulations:

1.—(1) These Regulations may be cited as the Dangerous Substances and Preparations (Safety) Regulations 1980.

(2) This Regulation and Regulations 2 and 4 below shall come into operation seven days after these Regulations are made.

(3) Regulation 3 below and the Schedule to these Regulations shall come into operation on 1st March 1980.

(4) Regulation 8 of the Aerosol Dispensers (EEC Requirements) Regulations 1977(d) is hereby revoked.

(a) 1978 c. 38.

(b) S.I. 1972/1811.

(c) 1972 c. 68.

(d) S.I. 1977/1140.

(5) The following provisions of these Regulations shall not apply in any case in which the goods in question are supplied for research and development or analysis, or an offer or agreement is made to supply the goods for such a purpose, or the goods are exposed or possessed for supply for such a purpose.

2.—(1) In this Regulation, “aerosol” means an article which consists of a non-reusable container containing a gas compressed, liquefied or dissolved under pressure, with or without a liquid, paste or powder, and fitted with a release device allowing the contents to be ejected as solid or liquid particles in suspension in a gas, as a foam, paste or powder, or in a liquid state.

(2) No person shall supply, offer to supply, agree to supply, expose for supply or possess for supply any aerosol in which chloroethylene (vinyl chloride monomer) is used as a propellant.

3.—(1) In this Regulation, “ornamental object” includes any ornamental lamp or ornamental ashtray and any other article designed both to be ornamental and to perform some other function.

(2) No person shall supply, offer to supply, agree to supply, expose for supply or possess for supply any ornamental object intended to produce light or colour effects by means of different phases in which any liquid which is a substance to which paragraph (3) below applies, a mixture of such a substance with any other substance, or a solution of such a substance, is used for the purpose of achieving that intention.

(3) This paragraph applies to any substance which—

(a) is specified in Schedule 1 to the Packaging and Labelling of Dangerous Substances Regulations 1978(a) and is either—

(i) required by Regulation 5(1)(c) of and column 2 of Schedule 1 to those Regulations to have its container marked with the word or words “corrosive”, “explosive”, “harmful”, “highly flammable” or “toxic”, or

(ii) required by Regulation 5(1)(d) of and column 3 of Schedule 1 and Schedule 3 to those Regulations to have its container marked with the word “flammable”, or

(b) is listed in the Annex to Commission Directive No. 79/370/EEC(b) and in respect of which that Annex specifies a symbol surmounted by the letter or letters “C”, “F”, “T”, or “Xn” or the expression “R:10” (whether or not in combination with other figures), or

(c) as a liquid has a flash point (determined in accordance with the Schedule to these Regulations) below 55°C.

(4) Any reference in this Regulation to any provision of the Packaging and Labelling of Dangerous Substances Regulations 1978 is a reference to that provision as in force on 24th July 1979.

4.—(1) In this Regulation—

(a) “child’s dressing-gown” means a dressing-gown which has a finished garment chest measurement not exceeding 97cm and an under arm sleeve measurement not exceeding 68cm;

(a) S.I. 1978/209.

(b) O.J. No. L88, 7.4.1979, p. 1.

(b) "finished garment chest measurement" means twice the measurement of the garment across the chest when the garment is laid out as flat as possible without distorting its natural two-dimensional shape and, where appropriate, buttoned or otherwise fastened as it is designed to be in normal wear; and

(c) "textile article" includes any garment or linen.

(2) No person shall supply, offer to supply, agree to supply, expose for supply or possess for supply any textile article intended to come into contact with the skin, or any child's dressing-gown whether or not it is intended to come into contact with the skin, which (in either case) has been—

(a) treated with tris(2,3-dibromopropyl) phosphate, or

(b) made from fabric treated with the said substance, or

(c) made from fabric containing fibre containing the said substance.

Reginald Eyre,

Parliamentary Under-Secretary of State,

4th February 1980.

Department of Trade.

Regulation 3(3)(c)

SCHEDULE

APPARATUS AND METHODS FOR DETERMINING THE FLASH POINT OF LIQUIDS FOR THE PURPOSES OF REGULATION 3(3)(c)

1. For the purposes of Regulation 3(3)(c) the flash point shall be determined—
 - (a) for use at temperatures not exceeding 50° Celsius by using Abel apparatus;
 - (b) for use at temperatures exceeding 50° Celsius by using Pensky-Martens apparatus; or
 - (c) by using any closed-cup apparatus able to give a result which does not differ by more than 2° Celsius from the result which one of the above sets of apparatus would give.
2. The method of operation for the measurement shall be—
 - (a) in the case of the Abel apparatus, British Standard 3442: Part I 1974, and in the case of the Pensky-Martens apparatus, British Standard 2839: 1957, published by the British Standards Institution and including those standards as revised or reissued from time to time up to the date on which these Regulations were made;
 - (b) when the apparatus complying with paragraph 1(c) above is used, a method which shall include the following precautions:—
 - (i) the determination must take place under draught-free conditions,
 - (ii) the liquid being tested must be heated so that the rate of any temperature change must not exceed 5° Celsius a minute,
 - (iii) the length of the flame used must not be less than 4.5 millimetres, or more than 5.5 millimetres,
 - (iv) the flame must be applied to the mouth of the receptacle each time that there has been an increase of 1° Celsius in the temperature of the liquid.
3. In using any apparatus referred to in this Schedule a degree of error not exceeding 2° Celsius at 55° Celsius shall be permitted for the purposes of Regulation 3(3)(c).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations implement Council Directive No. 76/769/EEC (O.J. No. L262, 29.9.1976, p. 201), as amended by Council Directive No. 79/663/EEC (O.J. No. L197, 3.8.1979, p. 37), in respect of items 2, 3 and 4 of the Annex thereto. Regulation 2 prohibits the use of chloroethylene as an aerosol propellant, and replaces Regulation 8 of the Aerosol Dispensers (EEC Requirements) Regulation 1977 (revoked by Regulation 1(4)), which formerly implemented the Directive in respect of item 2 of the Annex. Regulation 3 prohibits the use of certain dangerous substances in certain types of ornamental objects. Regulation 4 prohibits the use of tris(2,3-dibromopropyl) phosphate, commonly known as Tris, in textile products intended to come into contact with the skin; the prohibition extends to children's dressing-gowns, which are not covered by the Directive if they are not intended to come into contact with the skin.

The British Standards referred to in the Schedule to the Regulations may be obtained from the British Standards Institution, 101 Pentonville Road, London N1 9ND.

