

## 1986 No. 758

## CONSUMER PROTECTION

## The Child Resistant Packaging (Safety) Regulations 1986

*Laid before Parliament in draft*

*Made - - - - - 28th April 1986*  
*Coming into Operation 1st December 1987*

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

And whereas a draft of these Regulations has been approved by a resolution of each House of Parliament pursuant to section 7(7) of the said Act:

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by section 1 of the said Act, hereby makes the following Regulations:—

**1.** These Regulations may be cited as the Child Resistant Packaging (Safety) Regulations 1986 and shall come into operation on 1st December 1987.

**2.**—(1) In these Regulations—

“BS 6652” means the British Standard Requirements and Test Procedures for packagings resistant to opening by children BS 6652:1985(b) published by the British Standards Institution and which came into effect on 30th September 1985;

“regulated product” means anything specified in the Schedule;

“supply” includes offering to supply, agreeing to supply, exposing for supply and possessing for supply.

(2) References in these Regulations to the Schedule are references to the Schedule to these Regulations.

**3.**—(1) Subject to paragraphs (2), (3) and (4) and Regulation 4, no person shall supply in any packaging 2 litres or less of any regulated product unless the packaging containing the regulated product is identical in all material

(a) 1978 c. 38.

(b) ISBN 0580 14636 7.

respects to packaging for the time being approved by the British Standards Institution as complying with the requirements of BS 6652.

(2) Paragraph (1) does not apply in any case where the person supplying the regulated product reasonably believes that it will be used exclusively for the purposes of a business or profession.

(3) Paragraph (1) does not apply in any case where the regulated product is supplied in any packaging—

(a) designed to dispense the product in the form of a spray or mist and from which the product cannot readily be extracted otherwise than in such form; or

(b) from which the product cannot readily be extracted without the use of a tool.

(4) Paragraph (1) does not apply in any case where the regulated product is—

(a) a solid; or

(b) a gel or liquid having a viscosity in excess of one pascal second (10 poise) at 20°C; or

(c) toluene in a concentration not exceeding 30 per cent. by weight in a liquid (not being any other regulated product) supplied in packaging containing 20 millilitres or less of that liquid.

4.—(1) Regulation 3(1) does not apply in any case where the regulated product has been imported into the United Kingdom from any Member State of the European Economic Community, provided that the requirements of paragraph (2) are satisfied.

(2) The requirements referred to in paragraph (1) are that—

(a) any packaging containing 2 litres or less of a regulated product shall for the time being be approved as being resistant to opening by children;

(b) any such packaging as is mentioned in sub-paragraph (a) shall be at least as resistant to opening by children as any packaging which the British Standards Institution could properly approve for the purposes of these Regulations; and

(c) the approval mentioned in sub-paragraph (a) shall have been given by a person recognised, at the time such approval was given, by any Member State of the European Economic Community as being competent to give such an approval.

*Michael Howard,*  
Parliamentary Under-Secretary of State,  
Department of Trade and Industry.

28th April 1986.

## Regulation 2

## THE SCHEDULE

The following are regulated products:—

- (a) all substances and preparations classified at the date of making these Regulations by the Classification, Packaging and Labelling of Dangerous Substances Regulations 1984(a) as “very toxic”, “toxic” or “corrosive”;
- (b) turpentine and any solvent used as a substitute for turpentine;
- (c) white spirit;
- (d) products containing, in concentrations of 25 per cent. or more by weight, methylene chloride, toluene or xylene;
- (e) products containing methanol in concentrations of 4 per cent. or more by weight.

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EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations prohibit the supply of products listed in the Schedule (including certain very toxic, toxic and corrosive products, turpentine, turpentine substitutes and white spirit) where the products are contained in packaging and are supplied in a quantity of 2 litres or less unless the packaging has been approved by the British Standards Institution as satisfying the requirements of the British Standard Requirements and Test Procedures for packaging resistant to opening by children (BS 6652:1985) or, in the case of products imported from the EEC, the packaging has been approved as being resistant to opening by children by a competent body in an EEC Member State and is at least as resistant to opening by children as packaging approved by the British Standards Institution.

The prohibition does not apply to products listed in the Schedule which are solids, or gels or liquids of a viscosity specified in the Regulations, nor to products contained in aerosol cans or spray containers or in containers which could only be opened by the use of a tool, nor to toluene below a certain concentration contained in small volumes of liquid which is not any product listed in the Schedule. The prohibition does not apply to products supplied exclusively for business or professional purposes (Regulation 3).

The Regulations do not apply to medicinal products and controlled drugs as defined in paragraph (b) of the definition of “goods” in section 9(4) of the Consumer Safety Act 1978.

The British Standard referred to in the Regulations may be obtained from any of the sales outlets operated by the British Standards Institution or by post from the Institution at Linford Wood, Milton Keynes MK14 6LE.

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(a) S.I. 1984/1244.

SI 1986/758  
ISBN 0-11-066758-1



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