

1987 No. 783

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

**The Control of Pollution (Anti-Fouling Paints and
Treatments) Regulations 1987**

<i>Made - - - -</i>	<i>30th April 1987</i>
<i>Laid before Parliament</i>	<i>7th May 1987</i>
<i>Coming into force</i>	<i>28th May 1987</i>

The Secretary of State for the Environment, as respects England, the Secretary of State for Wales, as respects Wales, the Secretary of State for Scotland, as respects Scotland, and the Secretary of State for Northern Ireland, as respects Northern Ireland—

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

(2) having published on 13th March 1987 in the London Gazette, the Belfast Gazette and the Edinburgh Gazette 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 free of charge by members of the public in office hours; and

(c) a period of 21 days beginning with the date on which the notice was first published as the period in which written representations might be made to the Secretaries of State;

(3) having considered the representations made to them 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 them by sections 100 and 104(1) of the Control of Pollution Act 1974^(a) and of all other powers enabling them in that behalf, hereby make the following Regulations in the form of the draft mentioned in paragraph (2)(b) above:

Citation and commencement

1. These Regulations may be cited as the Control of Pollution (Anti-Fouling Paints and Treatments) Regulations 1987 and shall come into force on 28th May 1987.

^(a) 1974 c.40.

Interpretation

2. In these Regulations—

“anti-fouling paint” means any surface coating containing one or more chemical compounds which have the effect of inhibiting the growth of or having other detrimental effects on freshwater, estuarial or marine life and which is intended to be applied in a liquid or semi-liquid form to the hull of a ship or boat;

“anti-fouling treatment” means any treatment containing one or more chemical compounds which have the effect of inhibiting the growth of or having other detrimental effects on freshwater, estuarial or marine life and which is intended for application in a liquid or semi-liquid form to any net, cage, float or other apparatus used in connection with the propagation or cultivation of fish or shellfish;

“tri-organotin compound” means a chemical compound in which tin is chemically bound directly to three alkyl or aryl radicals by a carbon linkage;

“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;

“wholesale” means supply by way of business to a person who buys, or holds himself out as buying, in the course of a business.

Anti-fouling paints and treatments to which the Regulations apply

3. These Regulations apply to any anti-fouling paint or treatment containing a tri-organotin compound.

Prohibition of supply of paints and treatments

4.—(1) No person shall supply, whether for retail sale or by way of retail sale, an anti-fouling paint to which these Regulations apply.

(2) No person shall supply, whether by way of retail sale or wholesale, an anti-fouling treatment to which these Regulations apply.

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.

Revocations

6. The Control of Pollution (Anti-Fouling Paints) Regulations 1985(a) and the Control of Pollution (Anti-Fouling Paints) (Amendment) Regulations 1986(b) are hereby revoked.

29th April 1987 *Nicholas Ridley*
Secretary of State for the Environment

30th April 1987 *Nicholas Edwards*
Secretary of State for Wales

30th April 1987 *Malcolm Rifkind*
Secretary of State for Scotland

30th April 1987 *Tom King*
Secretary of State for Northern Ireland

(a) S.I. 1985/2011.

(b) S.I. 1986/2300.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply throughout the United Kingdom, prohibit the retail sale and the supply for retail sale of anti-fouling paints containing a tri-organotin compound as well as the wholesale and retail sale of anti-fouling treatments containing such a compound.

The Control of Pollution (Anti-Fouling Paints) Regulations 1985 and the Control of Pollution (Anti-Fouling Paints) (Amendment) Regulations 1986, which prohibited the retail sale and the supply for retail sale of anti-fouling paints containing organo-tin compounds above a certain concentration, are revoked.