
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Council Directive [91/157/EEC](#) on batteries and accumulators containing more than specified levels of dangerous substances (mercury, cadmium or lead) and Commission Directive [93/86/EEC](#) which provides symbols to indicate the separate collection of such batteries and accumulators as well as the relevant chemical symbol to indicate their heavy metal content. The Regulations extend to Great Britain.

Regulation 4 requires the marking of such batteries and accumulators (or, in appropriate cases, the packaging) with a separate collection mark and the relevant heavy metal content mark. In the case of a battery or accumulator manufactured in Great Britain for sale in the Community, the obligation is placed on the manufacturer; if that is not the case, the obligation is placed on the manufacturer's authorised representative established in Great Britain or the person in Great Britain placing the battery or accumulator on the market. The marking requirements do not apply to batteries or accumulators which are marketed in Great Britain before 1st January 1996 provided they have been manufactured or imported into the Community before regulation 4 comes into force.

Regulation 5(1) requires manufacturers to ensure that such a battery or accumulator can be readily removed, when spent, by a consumer from appliances (other than those referred to in Schedule 1 to the Regulations) into which it has been incorporated. Regulation 5(2) requires excluded appliances (referred to in Schedule 1) to be accompanied by instructions as regards the matters specified in this provision.

Under regulation 6, the Secretary of State may give notice if a battery or accumulator, to which the Regulations relate, is not marked in accordance with regulation 4 or an appliance or excluded appliance does not meet the requirements of regulation 5 which apply to it. In the event of a failure to comply with such a notice, in the absence of any reasonable excuse the person on whom it is served will be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale (regulation 7). In addition, regulation 8 provides for offences by corporations.

The alternative separate collection marks are set out in Schedule 2. The detailed provisions as to the size and place both for a separate collection mark and for the relevant heavy metal content mark are contained in Schedule 3.

In addition, regulation 3 prohibits the marketing of certain alkaline manganese batteries containing mercury; anyone breaching that regulation will be guilty of an offence and liable on summary conviction to a fine, not exceeding level 1 on the standard scale, under regulation 7. Regulation 8 would also apply in those circumstances.

The Regulations come into force on 1st March 1994 except for the marking requirements (regulation 4 and, to the extent that it applies to regulation 4, regulation 6) which come into force on 1st August 1994.

A Compliance Cost Assessment in respect of these Regulations is available and a copy can be obtained from Environment Division, Department of Trade and Industry, Desk 3/096, 151 Buckingham Palace Road, London SW1W 9SS.