
STATUTORY INSTRUMENTS

1995 No. 2489

**The Footwear (Indication of
Composition) Labelling Regulations 1995**

Citation and commencement

1.—(1) These Regulations may be cited as the Footwear (Indication of Composition) Labelling Regulations 1995 and except as provided by paragraph 2 below shall come into force on 23rd March 1996.

(2) In the case of footwear invoiced or delivered to a retailer on or before 22nd March 1996, these Regulations shall come into force on 23rd September 1997.

Interpretation

2. In these Regulations—

“the Act of 1968” means the Trade Descriptions Act 1968;

“coated leather” means leather with a surface coating applied provided that the coating as applied does not exceed one third of the total thickness of the product and is in excess of 0.15mm;

“the Community” means the European Community and other States in the European Economic Area;

“consumer” means any natural person who is acting for purposes which are outside his trade, business or profession;

“footwear” means all articles with applied soles designed to protect or cover the foot, including one or more of the main components when marketed separately;

“full grain leather” means a leather bearing the original grain surface as exposed by removal of the epidermis and with none of the surface removed by buffing, snuffing or splitting;

“leather” means hide or skin with its original fibrous structure more or less intact, tanned to be rot proof, with or without the original hair or wool; hide or skin which has been split into layers or segmented either before or after tanning, and leather with a surface coating, however applied, or a glued on finish, provided that such surface layers are not thicker than 0.15mm, but does not include tanned hide or skin disintegrated mechanically or chemically into fibrous particles, small pieces or powders and then with or without the combination of a binding agent, made into sheets or other forms;

“lining and sock” means the lining of the upper and the insole constituting the inside of the footwear article;

“main components” means the upper, the lining and sock and the outer sole;

“outer sole” means the bottom part of the footwear article, which is subject to abrasive wear and attached to the upper;

“responsible person” in relation to footwear means—

- (a) the manufacturer;
- (b) the manufacturer’s authorised agent established in the Community; or

(c) where neither the manufacturer nor his authorised agent is established in the Community, the person who first places the footwear on the Community market;

“retailer” means any person who supplies footwear to consumers;

“supply” shall be construed in accordance with section 46 of the Consumer Protection Act 1987⁽¹⁾ and includes offering to supply, agreeing to supply, exposing for supply and possessing for supply, and cognate expressions shall be construed accordingly;

“textiles” shall mean all products covered by Directive 71/307/EEC⁽²⁾ and amendments thereof; and

“upper” means the outer face of the structural element which is attached to the outer sole.

Application

3.—(1) These Regulations apply to footwear sold or offered for sale to consumers.

(2) A non-exhaustive list of the products covered by these Regulations is at Schedule 1.

(3) The following types of footwear are excluded from these Regulations—

- (a) second-hand, worn footwear,
- (b) protective footwear covered by Directive 89/686/EEC⁽³⁾,
- (c) footwear covered by Directive 76/769/EEC⁽⁴⁾, and
- (d) toy footwear.

Requirements applicable to responsible persons

4.—(1) The responsible person shall ensure that footwear placed on the market shall comply with the labelling requirements of these Regulations.

(2) The responsible person shall be responsible for supplying the labelling to be conveyed upon the footwear and for the accuracy of the information contained in it.

Labelling requirements

5.—(1) Subject to paragraph (2) below, the labelling, which shall be conveyed upon the footwear in accordance with paragraph (5) below, shall provide information as to the material which constitutes at least 80% of the surface area of the upper, at least 80% of the surface area of the lining and sock and at least 80% of the volume of the outer sole.

(2) Where no one material accounts for at least 80% of the surface area or volume, as the case may be, information shall be given as to the two main materials used in the composition of the footwear.

(3) In the case of the upper, in determining the composition no account shall be taken of any accessories or reinforcements such as ankle patches, edging, ornamentation buckles, tabs, eyelet stays or similar attachments.

(4) The manufacturer or his authorised agent established in the Community may provide the information required in accordance with paragraph (1) above by way of a pictogram or written indication as set out in Schedule 2 to these Regulations.

(5) Subject to the requirements of this regulation, the labelling may contain additional information to that required by paragraph (4) above.

(1) 1987 c. 43.

(2) O.J. No. L185, 16.8.1971, p.16, as amended by Council Directive 83/623/EEC (O.J. No. L353, 15.12.83, p.8) and Commission Directive 87/140/EEC (O.J. No. L56, 26.2.87, p.24).

(3) O.J. No. L399, 30.12.1989, p.18.

(4) O.J. No. L262, 27.9.1976, p.201.

(6) The labelling shall be affixed to at least one article of footwear in each pair and may be affixed by way of printing, sticking, embossing or use of an attached label; and shall be visible, securely attached and accessible.

(7) The responsible person shall ensure that any labelling attached to footwear is not likely to mislead consumers as to its composition thereof.

Obligation on retailers

6.—(1) No retailer shall supply footwear unless it is labelled in accordance with the requirements of these Regulations.

(2) Any retailer who supplies footwear labelled by way of a pictogram from premises to which consumers are admitted shall ensure that a notice containing a written indication of the meaning of the pictograms set out in Schedule 2 to these Regulations is displayed in a conspicuous part of those premises.

(3) Any retailer who supplies footwear labelled by way of a pictogram from premises other than that to which consumers are admitted shall ensure that consumers are informed of the meaning of any pictogram shown, in accordance with regulation 5, on the labelling of any footwear he supplies.

Offences

7. An indication of composition of any footwear which satisfies the requirements of these Regulations shall be deemed not to be a trade description for the purposes of the Act of 1968.

8. Any person who contravenes the provisions of regulation 4 or 6 shall be guilty of an offence and shall be liable—

- (a) on summary conviction, to a fine not exceeding level 5 on the Standard Scale;
- (b) on conviction on indictment, to a fine.

Compliance notices

9.—(1) Where an enforcement authority has reasonable grounds for suspecting that the provisions of these Regulations have been or are being contravened it may serve a notice (a “compliance notice”) on the responsible person or, as the case may be, the retailer and the provisions of sections 26, 27, 28, 29 and 30(1) of the Act of 1968 shall not be applied until such a notice has been so served and the person upon whom it has been served has failed to comply with its requirements.

(2) Schedule 3 shall have effect in respect of a compliance notice.

Enforcement

10.—(1) The following provisions of the Act of 1968 shall apply in relation to an offence under these Regulations as they apply in relation to an offence under that Act (modified where appropriate in relation to Northern Ireland by section 40(1) of that Act), that is to say sections 19, 20, 23 and 24 as if references in those sections to offences under the Act of 1968 were references to offences under these Regulations and in relation to Northern Ireland as if those references were modified in accordance with section 40(1) of the Act of 1968.

(2) The following provisions of the Act of 1968 shall apply in relation to the enforcement of these Regulations as they apply in relation to the enforcement of that Act (modified where appropriate in relation to Northern Ireland as aforesaid), that is to say sections 26, 27, 28, 29 and 30(1).

(3) Section 33 (modified in relation to Northern Ireland) of the Act of 1968, in accordance with paragraph (1) above, shall apply in relation to compensation for goods seized and detained under

these Regulations as it applies in relation to compensation for goods seized and detained under that Act.

20th September 1995

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