
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the Pencils and Graphic Instruments (Safety) Regulations 1974 (“the 1974 Regulations”) and the Pencils and Graphic Instruments (Safety) Regulations (Northern Ireland) 1975 (“the 1975 Regulations”) and re-enact their provisions with modifications.

The Regulations prohibit the supply, offering to supply, agreeing to supply, exposing for supply and possessing for supply of pencils and other graphic instruments which fail to satisfy certain safety requirements (regulations 4(1) and 5(1)).

Regulation 4 contains requirements for pencils, pens and brushes. They must not be coated with any paint, lacquer, varnish or similar preparation which contains particular soluble elements and compounds in specified concentrations.

Regulation 5 contains further requirements for pencils as well as requirements for crayons, chalk and similar articles (including pencil-leads for propelling pencils). The parts intended for writing, drawing or marking must not contain particular soluble elements and compounds in specified concentrations.

The Regulations provide for a method to determine whether the elements and compounds in question are soluble (regulation 3(1) and the Schedule). The method differs from that in the 1974 and 1975 Regulations in that it specifies *n*-heptane as the degreasing agent rather than 1,1,1-trichloroethane.

Regulation 3(4) provides that the requirements referred to above are to be regarded as satisfied where a pencil or other graphic instrument conforms to a standard or specification recognised for use in a member State of the European Community or any other State within the European Economic Area, so long as that standard or specification provides for an equivalent level of safety.

Moreover, the prohibitions on supply, offering to supply, agreeing to supply, exposing for supply and possessing for supply contained in these Regulations do not apply where the potentially dangerous elements or compounds are incapable of being dissolved following the appropriate method in Part 3 of British Standard EN 71–3 (regulations 4(3) and 5(3)).

The Regulations do not apply to pencils, pens, brushes, crayons, chalk or similar articles previously supplied before 1st August 1974 (regulation 1(2)) or, by virtue of regulation 2(3) of the Toys (Safety) Regulations 1995 (S.I. 1995/204), to articles which are toys to which those Regulations apply.

The Regulations were notified in draft to the European Commission in accordance with Council Directive 83/189/EEC (O.J. No. L109, 26.4.1983, p.8), as amended.

Copies of British Standard EN 71–3 are available from any of the sales outlets operated by the British Standards Institution (BSI), by post from BSI at 389 Chiswick High Road, London W4 4AL and from any of the bookshops operated by the Stationery Office Limited.