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STATUTORY INSTRUMENTS

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**1998 No. 545**

**ENVIRONMENTAL PROTECTION**

**The Environmental Protection (Controls  
on Hexachloroethane) Regulations 1998**

<i>Made</i>	- - - -	<i>3rd March 1998</i>
<i>Laid before Parliament</i>		<i>11th March 1998</i>
<i>Coming into force</i>	- -	<i>1st April 1998</i>

The Secretary of State for the Environment, Transport and the Regions, the Secretary of State for Wales and the Secretary of State for Scotland, acting jointly as respects Great Britain, in exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972(1), being Ministers designated(2) for the purposes of that subsection in relation to measures relating to restrictions on the marketing and use of certain dangerous substances and preparations, and of all other powers enabling them in that behalf, hereby make the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Environmental Protection (Controls on Hexachloroethane) Regulations 1998 and shall come into force on 1st April 1998.

**Interpretation**

2. Unless the context otherwise requires, expressions used in these Regulations which are also used in Council Directive [76/769/EC](#) on the approximation of the laws, regulations and administrative provisions of the member States relating to restrictions on the marketing and use of certain dangerous substances and preparations(3), as amended for the fifteenth time by European Parliament and Council Directive [97/16/EC](#)(4), shall have the meaning they bear in that Directive.

**Prohibition of the use of hexachloroethane in the manufacturing and processing of non-ferrous metals**

3. Subject to regulation 4, no person shall use hexachloroethane in the manufacturing or processing of non-ferrous metals.

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(1) 1972 c. 68.  
(2) S.I.1992/1711.  
(3) OJ No. L262, 27.9.1976, p.201.  
(4) OJ No. L116, 6.5.97, p. 31.

### **Exceptions to the prohibition**

4. Hexachloroethane may be used in the manufacturing or processing of non-ferrous metals:—
- (a) for research and development or analysis purposes;
  - (b) in non-integrated aluminium foundries producing specialised castings for applications requiring high quality and high safety standards and where consumption is less than 1.5 kilogrammes of hexachloroethane per day on average; and
  - (c) for grain refining in the production of the magnesium alloys AZ81, AZ91 and AZ92.

### **Offences and penalties**

5. Any person who contravenes regulation 3, or causes or permits another person to contravene that regulation, shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale and, on conviction on indictment, to a fine.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

*Michael Meacher*  
Minister of State,  
Department of the Environment, Transport and  
the Regions

23rd February 1998

Signed by authority of the Secretary of State for Wales

*Win Griffiths*  
Parliamentary Under Secretary of State, Welsh  
Office

26th February 1998

*Sewel*  
Parliamentary Under Secretary of State, Scottish  
Office

3rd March 1998

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply to Great Britain, give effect to European Parliament and Council Directive [97/16/EC](#) which amended for the fifteenth time Directive [76/769/EEC](#) on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations.

Regulation 3 prohibits the use of hexachloroethane in the manufacturing and processing of non-ferrous metals.

Regulation 4 provides for exceptions to the prohibition in regulation 3.

Regulation 5 makes it a criminal offence to contravene regulation 3 and specifies the penalties for such an offence.

In the Directive hexachloroethane is identified by reference to its CAS Number, which is 67-72-1, and its EINECS Number, which is 2006664. The CAS Number is given in the CAS Registry Handbook, ISSN 0093-058X, which may be inspected at the Royal Society of Chemistry, Burlington House, Piccadilly, London W1V 0BN. The EINECS Number is given in the European Inventory of Existing Commercial Chemical Substances (OJNo. C146A, 15.6.90, p.1.).