

2008 No. 6

TRADE DESCRIPTIONS

**The Textile Products (Indications of Fibre Content)
(Amendment) Regulations 2008**

<i>Made</i> - - - -	<i>8th January 2008</i>
<i>Laid before Parliament</i>	<i>11th January 2008</i>
<i>Coming into force</i> - -	<i>2nd February 2008</i>

The Secretary of State makes these Regulations under the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(a).

The Secretary of State is a Minister designated(b) for the purposes of that Act in relation to measures relating to consumer protection.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for certain references to provisions of Community instruments to be construed as references to those provisions as amended from time to time.

Citation commencement and revocation

1.—(1) These Regulations may be cited as the Textile Products (Indications of Fibre Content) (Amendment) Regulations 2008 and shall come into force on 2nd February 2008.

(2) The Textile Products (Indications of Fibre Content) (Amendment and Consolidation of Schedules of Textile Names and Allowances) Regulations 2006(c) are revoked.

Amendment of the Textile Products (Indications of Fibre Content) Regulations 1986

2.—(1) The Textile Products (Indications of Fibre Content) Regulations 1986(d) are amended as follows.

(2) In regulation 4(1)—

(a) insert after the definition of “the Act of 1968”—

““Directive 96/74/EC” means Directive 96/74/EC of the European Parliament and of the Council of 16 December 1996 on textile names;”(e);

(a) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51).

(b) S.I. 1993/2661.

(c) S.I. 2006/3297.

(d) S.I.1986/26 amended by S.I. 1988/1350, 1994/450, 1998/1169, 2005/1401, 2006/3297.

(e) OJ L 32, 3.2.1997, p.38, amended at the date of these Regulations by Directive 97/37/EC (OJ L169, 27.6.1997, p.74), Directive 2004/34/EC (OJ L89, 26.3.2004, p.35), Directive 2006/3/EC (OJ L5, 10.1.2006, p.14) and Directive 2007/3/EC (OJ L28, 3.2.2007, p.12).

- (b) insert after the definition of “advertisement”—
 ““Annex I” means Annex I (Table of textile fibres) to Directive 96/74/EC;
 “Annex II” means Annex II (Agreed allowances used to calculate the mass of fibres contained in a textile product) to Directive 96/74/EC;”;
- (c) in the definition of “textile fibre” for sub-paragraph (b)(ii) substitute—
 “(ii) are produced from the substances used in the manufacture of the fibres listed in Annex I other than entries to items numbered 1-18; and”.
- (3) Insert after regulation 4(3)—
 “(4) References in these Regulations to Annex I and Annex II are references to those Annexes as amended from time to time.”.
- (4) In Schedule 1—
 (a) for paragraph 2(1) substitute—
 “(1) A name set out in the column headed “Name” in Annex I shall be used in relation to fibre of the description set out in the column headed “Fibre description” in that Annex in relation to that name interpreted where appropriate in accordance with the notes to the Annex.”;
- (b) for paragraph 7(3) substitute—
 “(3) In determining the fibre percentages of a product there shall be applied to the anhydrous mass of each fibre the relevant agreed allowance set out in Annex II.”; and
- (c) for paragraph 8(1)(b) substitute—
 “(b) where a supply or offer is one to which the requirements contained in paragraph (2) of regulation 5 apply and a trade mark or name of an undertaking is applied to the product which contains on its own, or as an adjective or as a root one of the names specified in Annex I, or a name which is likely to be taken for a name so specified, the trade mark or name must be immediately preceded or followed by the indication of fibre content.”.
- (5) Omit schedules 2 and 3 of the Textile Products (Indications of Fibre Content) Regulations 1986.

8th January 2008

Gareth Thomas
Parliamentary Under Secretary of State for Trade and Consumer Affairs
Department for Business, Enterprise and Regulatory Reform

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Textile Products (Indications of Fibre Content) Regulations 1986 (“the principal Regulations”) which implement Directive 96/74/EC of the European Parliament and of the Council on textile names. The Regulations set the names to be used for different types of textile fibres and fibre descriptions and the percentage allowances to apply to the anhydrous mass of each fibre when determining composition of mixtures by weight.

Regulation 2 provides that the references to Annex I and Annex II to Directive 96/74/EC are to those annexes as amended from time to time. The reference to Annex I and Annex II replaces the names of and references to textile fibres and allowances previously set out in Schedules 2 and 3 of the principal Regulations. Schedules 2 and 3 of the principal Regulations are therefore revoked.

The references to Annexes I and II to Directive 96/74/EC in the Regulations include the amendments to those Annexes made at the date of these Regulations including those last made by Directive 2007/3/EC to add a new entry elastolefin to the list of names in Annex I and to add the agreed tolerance for elastolefin to Annex II which came into force on 23rd February 2007.

The Department intends to maintain up to date information on the amendments to the relevant Annexes as they are made and come into force by publishing these on website address www.berr.gov.uk/consumers/buying-selling/Adprice/Product-labelling.

An impact assessment of the effect that these Regulations will have on the costs to business is available together with a transposition note from the Consumer and Competition Policy Directorate, Department for Business, Enterprise & Regulatory Reform, 1 Victoria Street, London SW1H 0ET and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website. Copies of the impact assessment and transposition note have also been placed in the libraries of both Houses of Parliament.

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