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The Dangerous Substances and Preparations (Safety) (Consolidation) (Amendment) Regulations 1996

1996 No. 2635 Whole Instrument

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STATUTORY INSTRUMENTS

1996 No. 2635

CONSUMER PROTECTION

The Dangerous Substances and Preparations (Safety) (Consolidation) (Amendment) Regulations 1996

<i>Made</i>	15th October 1996
<i>Laid before Parliament</i>	16th October 1996
<i>Coming into force</i>	11th November 1996

Whereas the Secretary of State has, in accordance with section 11(5) of the Consumer Protection Act 1987(1), consulted such organisations as appear to him to be representative of interests substantially affected by these Regulations, such other persons as he considers appropriate and the Health and Safety Commission:

Now, therefore, the Secretary of State in exercise of powers conferred upon him by section 11 of the said Act of 1987 hereby makes the following Regulations:—

1. These Regulations may be cited as the Dangerous Substances and Preparations (Safety) (Consolidation) (Amendment) Regulations 1996 and shall come into force on 11th November 1996.

2. The Dangerous Substances and Preparations (Safety) (Consolidation) Regulations 1994(2) are amended as follows:—

(a) by substituting the following for regulation 1(2)—

“(2) In these Regulations—

“the approved supply list” shall have the same meaning as in regulation 2(1) of the CHIP Regulations;

“the CHIP Regulations” means in Great Britain the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994(b) and in Northern Ireland the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995(c);

“medicinal product” means—

(a) a medicinal product—

- (i) which is a “relevant medicinal product” within the meaning of regulation 1(2) of the Medicines for Human Use (Marketing Authorisations Etc.) Regulations 1994(d), or
- (ii) in respect of which there is for the time being a clinical trial certificate as defined in section 31(3) of the Medicines Act 1968(e), or
- (iii) in respect of which there is for the time being an exemption conferred by article 3 of the Medicines (Exemption from Licences) (Clinical Trials) Order 1995(f), or
- (iv) in respect of which there is for the time being a certificate of registration granted under regulation 5 of the Medicines (Homeopathic Medicinal Products for Human Use) Regulations 1994(g); or

an article or substance to which provisions of the Medicines Act 1968 apply by virtue of an order made under section 104 or 105 of that Act;

“motor fuel” has the same meaning as in regulation 3(1) of the Motor Fuel (Composition and Content) Regulations 1994(h);

“the prescribed concentration” of any substance means either—

- (a) the concentration specified in the approved supply list; or
- (b) where no concentration limit for that substance is specified in the approved supply list, the concentration specified in paragraph 6 (Table VI or Table VIA) of Part II of Schedule 3 to the CHIP Regulations;

“supply” includes offering to supply, agreeing to supply, exposing for supply and possessing for supply; and

“veterinary product” means—

- (a) a medicinal product which is supplied in accordance with an animal test certificate within the meaning of section 32(2)(b) of the Medicines Act 1968(e), or
- (b) a product supplied for administration in accordance with regulation 5(1)(c) of the Medicines (Restrictions on the Administration of Veterinary Medicinal Products) Regulations 1994(i).”

and by adding the following corresponding footnotes—

“(b) S.I. 1994/3247, amended by S.I. 1996/1092.

(c) S.R. 1995 No. 60.

(d) S.I. 1994/3144.

(e) 1968 c. 67.

(f) S.I. 1995/2808.

(g) S.I. 1994/105, amended by S.I. 1994/889, 1995/541 and 1996/482.

(h) S.I. 1994/2295.

(i) S.I. 1994/2987.”;

- (b) by adding the following after regulation 2—

“2A. Regulations 6A, 6B and 6C below shall not apply to—

- (a) a medicinal product;
- (b) a veterinary product;
- (c) a cosmetic product within the meaning of regulation 2(1) of the Cosmetic Products (Safety) Regulations 1989(f);
- (d) motor fuel which complies with the relevant requirements of regulation 5 of the Motor Fuel (Composition and Content) Regulations 1994(g);
- (e) mineral oil products intended for use as fuel in mobile or fixed combustion plants;
- (f) fuels sold in closed systems; or
- (g) artists' paints.” and by adding the following corresponding footnotes—

“(f) S.I. 1989/2233.

(g) S.I. 1994/2295.”;

- (c) in regulation 3(2) by deleting the words which follow the words “dangerous for supply”—, by substituting therefor the words “within the meaning of the CHIP Regulations.” and by deleting the corresponding footnote;
- (d) by adding the following after regulation 6—

“Carcinogens

6A. Subject to regulation 2A above, no person shall supply to any member of the general public or supply to any person for the purposes of sale to the general public any substance or any preparation containing any substance which is—

- (a) listed in Schedule 2 to these Regulations under the heading “Carcinogenic substances of Category 1” or “Carcinogenic substances of Category 2”; and
- (b) required under the CHIP Regulations to be labelled “toxic (T)” or “very toxic (T+)” together with standard risk phrase R45 (“may cause cancer”) or R49 (“may cause cancer by inhalation”) (or which would be required to be so labelled but for any of the exceptions contained in sub-paragraphs (a), (f), (n) and (o) of regulation 3(1) of those Regulations), where the concentration of the said substance is equal to or greater than the prescribed concentration for that substance.

Mutagens

6B. Subject to regulation 2A above, no person shall supply to any member of the general public or supply to any person for the purposes of sale to the general public any substance or any preparation containing any substance which is—

- (a) listed in Schedule 2 to these Regulations under the heading “Mutagenic substances of Category 1” or “Mutagenic substances of Category 2”; and
- (b) required under the CHIP Regulations to be labelled with standard risk phrase R46 (“may cause heritable genetic damage”) (or which would be required to be so labelled but for any of the exceptions contained in sub-paragraphs (a), (f), (n) and (o) of regulation 3(1) of those Regulations), where the concentration of the said substance is equal to or greater than the prescribed concentration for that substance.

Substances toxic for reproduction

6C. Subject to regulation 2A above, no person shall supply to any member of the general public or supply to any person for the purposes of sale to the general public any substance or any preparation containing any substance which is—

- (a) listed in Schedule 2 to these Regulations under the heading “Toxic for reproduction substances of Category 1” or “Toxic for reproduction substances of Category 2”; and
- (b) required under the CHIP Regulations to be labelled with standard risk phrase R60 (“may impair

fertility") or R61 ("may cause harm to the unborn child") or both R60 and R61 (or which would be required to be so labelled but for any of the exceptions contained in sub-paragraphs (a), (f), (n) and (o) of regulation 3(1) of those Regulations), where the concentration of the said substance is equal to or greater than the prescribed concentration for that substance.

Chlorinated solvents

6D.—(1) Subject to paragraph (2) below, no person shall supply to any member of the general public or supply to any person for the purposes of sale to the general public any substance or preparation containing any of the following in concentrations equal to or greater than 0.1% by mass

- (a) chloroform (CAS No. 67-66-3)(a);
- (b) carbon tetrachloride (CAS No. 56-23-5);
- (c) 1,1,2 — trichloroethane (CAS No. 79-00-5);
- (d) 1,1,2,2 — tetrachloroethane (CAS No. 79-34-5);
- (e) 1,1,1,2 — tetrachloroethane (CAS No. 630-20-6);
- (f) pentachloroethane (CAS No. 76-01-7);
- (g) 1,1 — dichloroethylene (CAS No. 75-35-4);
- (h) 1,1,1 — trichloroethane (CAS No. 71-55-6)

(2) Paragraph (1) above shall not apply to—

- (a) a medicinal product;
 - (b) a veterinary product; or
 - (c) a cosmetic product within the meaning of regulation 2(1) of the Cosmetic Products (Safety) Regulations 1989(b).";
- (e) by adding the following corresponding footnotes in relation to regulation 6D—
- “(a)”CAS Nos.” are the numbers assigned to the substances by the Chemical Abstracts Service.
- (b)S.I. 1989/2233.”;
- (f) by re-numbering the Schedule as Schedule 1; and
- (g) by adding as Schedule 2 the contents of the Schedule to these Regulations.

John M. Taylor,
Parliamentary Under-Secretary of State for Corporate and

Consumer Affairs,

Department of Trade and Industry
15th October 1996

SCHEDULE

Regulation 2(g)

“SCHEDULE 2

Regulations 6A, 6B and 6C

Substances referred to in regulations 6A, 6B and 6C

Substance	CAS Number
<i>Carcinogenic substances of Category 1</i>	
2-naphthylamine; β -naphthylamine	91-59-8
biphenyl-4-ylamine; xenylamine; 4-aminobiphenyl	92-67-1
benzidine; 4,4'-diaminobiphenyl; biphenyl-4,4'-ylenediamine	92-87-5
chromium trioxide	1333-82-0
arsenic acid and its salts	—
arsenic pentoxide; arsenic oxide	1303-28-2
diarsenic trioxide; arsenic trioxide	1327-53-3
asbestos	132207-33-1
	132207-32-0
	12172-73-5
	77536-66-4
	77536-68-6

	77536-67-5
benzene	71-43-2
bis(chloromethyl) ether	542-88-1
chloromethyl methyl ether; chlorodimethyl ether	107-30-2
dinickel trioxide	1314-06-3
erionite	12510-42-8
nickel dioxide	12035-36-8
nickel monoxide	1313-99-1
nickel subsulphide; trinickel disulphide	12035-72-2
nickel sulphide	16812-54-7
salts of 2-naphthylamine	—
salts of biphenyl-4-ylamine; salts of xenylamine; salts of 4-aminobiphenyl	—
salts of benzidine	—
vinyl chloride; chloroethylene	75-01-4
zinc chromates, including zinc potassium chromate	—
<i>Carcinogenic substances of Category 2</i>	
1-methyl-3-nitro-1-nitrosoguanidine	70-25-7
1,2-dibromo-3-chloropropane	96-12-8
1,2-dimethylhydrazine	540-73-8
1,3-butadiene; buta-1,3-diene	106-99-0
1,3-dichloro-2-propanol	96-23-1
1,3-propanesultone	1120-71-4
3-propanolide; 1,3-propionolactone	57-57-8
1,4-dichlorobut-2-ene	764-41-0
2-nitronaphthalene	581-89-5
2-nitropropane	79-46-9
2,2'-dichloro-4,4'-methylenedianiline; 4,4'-methylenebis(2-chloroaniline)	101-14-4
2-2'-(nitrosoimino)bisethanol	1116-54-7
3,3'-dichlorobenzidine; 3,3'-dichlorobiphenyl-4,4'-ylenediamine	91-94-1
3,3'-dimethoxybenzidine; o-dianisidine	119-90-4
3,3'-dimethylbenzidine; o-tolidine	119-93-7
4-aminoazobenzene	60-09-3
4-amino-3-fluorophenol	399-95-1
4-methyl-m-phenylenediamine	95-80-7
4-nitrobiphenyl	92-93-3
4,4'-methylenedi-o-toluidine	838-88-0
4,4'-diaminodiphenylmethane; 4,4'-methylenedianiline	101-77-9
5-nitroacenaphthene	602-87-9
4-o-tolyazo-o-toluidine; 4-amino-2',3-dimethylazobenzene; fast garnet GBC base, AAT; o-aminoazotoluene	97-56-3
disodium-{5[4'-((2,6-hydroxy-3-((2-hydroxy-5-sulphophenyl)azo)phenyl)azo)(1,1'-biphenyl)-4-yl)azo]salicylato(4-)}cuprate(2-);C1 Direct Brown 95	16071-86-6
cadmium oxide	1306-19-0
Extracts (petroleum), heavy naphthenic distillate solvent	64742-11-6
Extracts (petroleum), heavy paraffinic distillate solvent	64742-04-7

Extracts (petroleum), light naphthenic distillate solvent	64742-03-6
Extracts (petroleum), light paraffinic distillate solvent	64742-05-8
Extracts (petroleum), light vacuum gas oil solvent	91995-78-7
Hydrocarbons, C26-55, aromatic rich	97722-04-8
<i>N,N</i> -dimethylhydrazine	57-14-7
acrylamide	79-06-1
acrylonitrile	107-13-1
α,α,α -trichlorotoluene; benzotrichloride	98-07-7
benz[a]anthracene	56-55-3
benzo[a]pyrene; benzo[d,e,f]chrysene	50-32-8
benzo[b]fluoranthene; benzo[e]acephenanthrylene	205-99-2
benzo[j]fluoranthene	205-82-3
benzo[k]fluoranthene	207-08-9
beryllium	7440-41-7
beryllium compounds, with the exception of aluminium beryllium silicates	—
cadmium chloride	10108-64-2
cadmium sulphate	10124-36-4
calcium chromate	13765-19-0
captafol (ISO); 1,2,3,6-tetrahydro-N-(1,1,2,2-tetrachloroethylthio)phthalimide	2425-06-1
carbadox (INN); methyl-3-(quinoxalin-2-ylmethylene)carbazate 1,4-dioxide; 2-(methoxycarbonylhydrazonomethyl)quinoxaline 1,4-dioxide	6804-07-5
chromium (III) chromate; chromic chromate	24613-89-6
diazomethane	334-88-3
dibenz[a,h]anthracene	53-70-3
diethyl sulphate	64-67-5
dimethyl sulphate	77-78-1
dimethylcarbamoyl chloride	79-44-7
<i>N</i> -nitrosodimethylamine; dimethylnitrosamine	62-75-9
dimethylsulfamoyl chloride	13360-57-1
1-chloro-2,3-epoxypropane; epichlorohydrin	106-89-8
1,2-dichloroethane; ethylene dichloride	107-06-2
ethylene oxide; oxirane	75-21-8
ethyleneimine; aziridine	151-56-4
hexachlorobenzene	118-74-1
hexamethylphosphoric triamide; hexamethylphosphoramide	680-31-9
hydrazine	302-01-2
hydrazobenzene; 1,2-diphenylhydrazine	122-66-7
methyl acrylamidomethoxyacetate (containing $\geq 0.1\%$ acrylamide)	77402-03-0
methyl- <i>ONN</i> -azoxymethyl acetate	592-62-1
nitrofen (ISO); 2,4-dichlorophenyl 4-nitrophenyl ether	1836-75-5
nitrosodipropylamine	621-64-7
2-methoxyaniline; <i>o</i> -anisidine	90-04-0
potassium bromate	7758-01-2
propylene oxide; 1,2-epoxypropane; methyloxirane	75-56-9
<i>o</i> -toluidine	95-53-4

2-methylaziridine; propyleneimine	75-55-8
salts of 2,2'-dichloro-4,4'-methylenedianiline; salts of 4,4'-methylenebis(2-chloroaniline)	—
salts of 3,3'-dichlorobenzidine; salts of 3,3'-dichlorobiphenyl-4,4'-ylenediamine	—
salts of 3,3'-dimethoxybenzidine; salts of <i>o</i> -dianisidine	—
salts of 3,3'-dimethylbenzidine; salts of <i>o</i> -tolidine	—
strontium chromate	7789-06-2
styrene oxide; (epoxyethyl)benzene; phenyloxirane	96-09-3
sulfallate (ISO); 2-chlorallyl diethyldithiocarbamate	95-06-7
thioacetamide	62-55-5
urethane (INN); ethyl carbamate	51-79-6
<i>Mutagenic substances of Category 1</i>	
There are no substances classified in this category	
<i>Mutagenic substances of Category 2</i>	
1,2-dibromo-3-chloropropane	96-12-8
acrylamide	79-06-1
benzo[a]pyrene; benzo[d,e,f]chrysene	50-32-8
diethyl sulphate	64-67-5
ethylene oxide; oxirane	75-21-8
ethyleneimine, aziridine	151-56-4
hexamethylphosphoric triamide; hexamethylphosphoramide	680-31-9
methyl acrylamidomethoxyacetate (containing $\geq 0.1\%$ acrylamide)	77402-03-0
<i>Toxic for reproduction substances of Category 1</i>	
lead hexafluorosilicate	25808-74-6
lead acetate	1335-32-6
lead alkyls	—
lead azide	13424-46-9
lead chromate	7758-97-6
lead compounds, with the exception of those specified elsewhere in this Part of this Schedule	—
lead di(acetate)	301-04-2
lead 2,4,6-trinitroresorcinol; lead styphnate	15245-44-0
lead(II) methanesulfonate	17570-76-2
trilead bis(orthophosphate)	7446-27-7
warfarin (ISO); 4-hydroxy-3-(3-oxo-1-phenylbutyl)coumarin	81-81-2
<i>Toxic for reproduction substances of Category 2</i>	
2-ethoxyethanol; ethylene glycol monoethyl ether	110-80-5
2-ethylhexyl [3,5-bis(1,1-dimethylethyl)-4-hydroxyphenyl methylthio]acetate	80387-97-9
2-methoxyethanol; ethylene glycol monomethyl ether	109-86-4
benzo[a]pyrene; benzo[d,e,f]chrysene	50-32-8
binapacryl (ISO); 2-sec butyl-4,6-dinitrophenyl-3-methylcrotonate	485-31-4
<i>N,N</i> -dimethylformamide; dimethyl formamide	68-12-2
dinoseb (ISO); 6-sec butyl-2,4-dinitrophenol	8-85-7
dinoterb (ISO); 2-tert-butyl-4,6-dinitrophenol	1420-07-1
ethylenethiourea; imidazolidine-2-thione; 2-imidazoline-2-thiol	96-45-7
2-ethoxyethyl acetate; ethylglycol acetate	111-15-9

methyl- <i>ONN</i> -azoxymethyl acetate	592-62-1
2-methoxyethyl acetate; methylglycol acetate	110-49-6
nickel tetracarbonyl	13463-39-3
nitrofen (ISO); 2,4-dichlorophenyl 4-nitrophenyl ether	1836-75-5
salts and esters of dinoseb (ISO)	—
salts and esters of dinoterb (ISO)	—

NOTE

The CAS Number is the number assigned to the substance by the Chemicals Abstract Service."

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Dangerous Substances and Preparations (Safety) (Consolidation) Regulations 1994 (S.I. [1994/2844](#)) ("the principal Regulations"). They implement part of Council Directive [94/60/EC](#) (O.J. No. L365, 31.12.1994, p.1), which amended for the fourteenth time Council Directive [76/769/EEC](#).

The Regulations amend the principal Regulations to prohibit the supply to the general public and the supply to any person for sale to the general public of certain carcinogenic and mutagenic substances, and certain substances toxic for reproduction, in specified concentrations. The supply of preparations containing such substances is also prohibited. The Regulations provide exceptions for medicinal and veterinary products, cosmetics, motor fuel mineral oil products intended for use as fuel in mobile or fixed combustion plants, fuels, sold in closed systems and artists' paints (regulation 2(b), (d) and (g) and the Schedule).

The Regulations also amend the principal Regulations to prohibit the supply to the general public and the supply to any person for sale to the general public of substances and preparations containing certain specified chlorinated solvents in concentrations equal to or greater than 0.1 per cent by mass. There are exceptions for medicinal and veterinary products and cosmetics (regulation 2(d)).

A Compliance Cost Assessment is available, copies of which have been placed in the libraries of both Houses of Parliament. Copies are also available from the Consumer Affairs and Competition Policy Directorate of the Department of Trade and Industry, Room 4.D.2, 1 Victoria Street, London SW1H 0ET.

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- (1) [1987 c. 43.](#)
- (2) [S.I. 1994/2844.](#)

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