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The Dangerous Substances and Preparations (Safety) (Consolidation) Regulations 1994

1994 No. 2844 Whole Instrument

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STATUTORY INSTRUMENTS

1994 No. 2844

CONSUMER PROTECTION

The Dangerous Substances and Preparations (Safety) (Consolidation) Regulations 1994

Made

4th November 1994

Laid before Parliament

10th November 1994

Coming into force

1st January 1995

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 and such other persons as he considers appropriate and with 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:—

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the Dangerous Substances and Preparations (Safety) (Consolidation) Regulations 1994 and shall come into force on 1st January 1995.

(2) In these Regulations, “supply” includes offering to supply, agreeing to supply, exposing for supply and possessing for supply.

Application

2. Regulations 3 and 4 shall not apply in any case where the goods in question are supplied for research and development or analysis.

Ornamental objects, tricks, jokes and games

3. (1) In this regulation, “ornamental object” includes any ornamental lamp or ashtray and any other article designed both to be ornamental and to perform some other function.

(2) No person shall supply—

- (a) any ornamental object intended to produce light or colour effects by means of different phases; or
- (b) any trick or joke; or
- (c) any game for one or more participants or any object intended to be used as such, even with ornamental aspects,

which contains any liquid substance or preparation

“dangerous for supply”—

- (i) in Great Britain within the meaning of the Chemicals (Hazard Information and Packaging) Regulations 1993(2); and
- (ii) in Northern Ireland within the meaning of the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993(3)

Children’s dressing-gowns

4. (1) In this regulation—

- (a) “child’s dressing-gown” means a dressing-gown which has a finished garment chest measurement not

exceeding 97 cm and an underarm sleeve measurement not exceeding 68 cm;

- (b) "finished garment chest measurement" means twice the measurement of the garment across the chest when the garment is laid out as flat as possible without distorting its natural two-dimensional shape and, where appropriate, buttoned or otherwise fastened as it is designed to be in normal wear; and
- (c) "textile article" includes any garment or linen.

(2) No person shall supply any textile article intended to come into contact with the skin, or any child's dressing-gown whether or not it is intended to come into contact with the skin, which (in either case) has been—

- (a) treated with tris (2,3-dibromopropyl) phosphate; or
- (b) made from fabric treated with the said substance; or
- (c) made from fabric containing the said substance; or
- (d) treated with tri (aziridin-1-yl) phosphine oxide or polybrominated biphenyls; or
- (e) made from fabric treated with any substance mentioned in subparagraph (d); or
- (f) made from fabric containing fibre containing any substance mentioned in subparagraph (d).

Novelties

5. No person shall supply—

- (a) any injurious tear-gas capsule, that is to say, any article designed or intended to afford amusement to any person by causing discomfort to any other person by means of the use or exploitation of the lachrymatory properties of any substance contained in the article, being a substance which is capable of causing personal injury in the course of, or as a result of, the use of the article; or
- (b) any article which contains more than 1.5 ml of liquid consisting of sulphides of ammonia or a mixture or solution of such sulphides with or in any other substance, being an article which is designed or intended to afford amusement to any person by causing discomfort to any other person by means of the use or exploitation of the obnoxious properties of such sulphides; or
- (c) anything which is designed or intended to afford amusement to any person by causing discomfort to any other person by means of the use or exploitation of the ability or tendency of soap bark powder (*Quillaja saponaria*) or its derivatives containing saponins, powder of the roots of *Helleborus viridis* or of *Helleborus niger*, powder of the roots of *Veratrum album* or of *Veratrum nigrum*, benzidine or its derivatives, 2-nitrobenzaldehyde or wood powder to induce sneezing.

Benzene

6. (1) No person shall supply any substance or preparation containing benzene in concentrations equal to or greater than 0.1% by mass.

(2) paragraph (1) shall not apply to:—

- (a) motor fuels covered by Council Directive [85/210/EEC\(4\)](#) as amended by Council Directive [87/416/EEC\(5\)](#), and
- (b) substances and preparations for use in industrial processes, and
- (c) waste covered by Council Directive [91/156/EEC\(6\)](#) or Council Directive [91/689/EEC\(7\)](#).

(3) No person shall supply any toy (including any kit for making balloons) or part of a toy which contains benzene, or any substance which is intended for making balloons and contains benzene, where the concentration of benzene in the free state is in excess of 5 mg/kg of the mass of the toy or part of the toy or substance as the case may be.

Revocation

7. The Regulations specified in the Schedule to these Regulations are hereby revoked.

Ferrers
Minister of State,
Department of Trade and Industry

4th November 1994

SCHEDULE REVOCATIONS

Regulation 8

Regulations revoked	References
The Dangerous Substances and Preparations (Safety) Regulations 1980	S.I. 1980/136
The Novelties (Safety) Regulations 1980	S.I. 1980/958
The Dangerous Substances and Preparations (Safety) (Amendment) Regulations 1985	S.I. 1985/127
The Novelties (Safety) (Amendment) Regulations 1985	S.I. 1985/128
The Benzene in Toys (Safety) Regulations 1987	S.I. 1987/2116

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate with amendments the Dangerous Substances and Preparations (Safety) Regulations 1980 as amended by the Dangerous Substances and Preparations (Safety) (Amendment) Regulations 1985; the Novelties (Safety) Regulations, 1980 as amended by the Novelties (Safety) (Amendment) Regulations 1985, and the Benzene in Toys (Safety) Regulations 1987.

These Regulations implement Council Directive No. [89/677/EEC](#) (OJ No L398, 30.12.1989, p. 19) amending Council Directive No. [76/769/EEC](#) (OJ No. L262 27.9.1976, p. 201) in respect of items 3 and 5 of the annex thereto. Regulation 3 (which implements item 3 of the annex) prohibits the supply of certain ornamental objects, tricks, jokes and games containing certain dangerous substances and preparations. Regulation 6 (which implements item 5 of the annex) prohibits the supply of substances or preparations containing benzene in concentrations equal to or greater than 0.1% by mass.

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 Division of the Department of Trade and Industry, Room 315, 10-18 Victoria Street, London SW1H 0NN.

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- (1) [1987 c. 43.](#)
 - (2) [S.I. 1993/1746.](#)
 - (3) [S.R. 1993 No. 412.](#)
 - (4) [O.J. No. L96 3.4.85, p. 25.](#)
 - (5) [O.J. No. L225 13.8.87, p. 33.](#)
 - (6) [O.J. No. L78 26.3.91, p. 32.](#)
 - (7) [O.J. No. L377 31.12.91, p. 20.](#)

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