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STATUTORY INSTRUMENTS

1988 No. 802

CONSUMER PROTECTION

The Cosmetic Products (Safety) (Amendment) Regulations 1988

Made - - - -	*27th April 1988*
Laid before Parliament	*10th May 1988*
Coming into force (except as provided in regulation 1)	*1st June 1988*

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;

And whereas the Secretary of State is a Minister designated(**2**) for the purposes of section 2 of the European Communities Act 1972(**3**) in relation to measures for safety and consumer protection as respects cosmetic products and any provisions concerning the composition, labelling, marketing, classification or description of cosmetic products and in relation to indication of origin on imported goods;

Now, therefore, the Secretary of State in exercise of powers conferred on him by section 11 of the said Act of 1987 and by section 2 of the said Act of 1972 and of all other powers enabling him in that behalf hereby makes the following Regulations:

1.—(1) These Regulations may be cited as the Cosmetic Products (Safety) (Amendment) Regulations 1988, and except as provided by paragraph (2) below, shall come into force on 1st June 1988.

(2) Regulation 3(b) to (e) shall come into force—

(a) in relation to the supply, offering to supply, agreeing to supply, exposing for supply or possessing for supply of cosmetic products by the manufacturer in or importer into the United Kingdom or, in the case of cosmetic products manufactured in or imported into the United Kingdom on behalf of another person, by that other person, on 1st January 1989, except where the cosmetic products are supplied, agreed to be supplied, exposed for supply or possessed for supply by retail in which case they shall come into force on 1st January 1991; and

(**1**) 1987 c. 43.
(**2**) S.I.1972/1811, 1975/1707.
(**3**) 1972 c. 68.

(b) in all other cases, on 1st January 1991.

2. The Cosmetic Products Regulations (Northern Ireland) 1978(**4**) are hereby revoked.

3. The Cosmetic Products (Safety) Regulations 1984(**5**) are hereby amended—

(a) in regulation 4(1), in the definition of "the Directive", by the omission of the word "and" between "Commission Directive No.86/179/EEC" and "Commission Directive No. 86/199/EEC" and by the addition of the words "Commission Directive No. 87/137/EEC (o) and Commission Directive No. 87/143/EEC (p)" and by the insertion as footnotes at the foot of the relevant page of the following—

"(o) O. J. L56, 26.2.87, p.20

(p) O.J. L57, 27.2.87, p.56";

(b) in Schedule 1 by the insertion after entry Number 678 of the following—

"679 N—(Trichloromethylthio) — 4 — cyclohex—4—ene — 1, 2 — dicarboximide (captan)	370
680 2, 2' — Dihydroxy — 3, 3', 5, 5', 6, 6' — hexachlorodiphenylmethane (hexachlorophene)	371
681 6 — (Piperidinyl) — 2, 4 — pyrimidinediamine — 3 — oxide (minoxidil) and its salts and derivatives	372";

(c) in Part I of the Schedule 2 by the insertion after entry Number 52 of the following—

"53	Methanol	Denaturant for ethanol and isopropyl alcohol	5 per cent calculated as a percentage of ethanol and isopropyl alcohol";

(d) in Part II of Schedule 2 by the omission of entry Number 1;

(e) in Part I of Schedule 5 by the omission of entry Number 6 and the insertion after entry Number 39 of the following—

"40	2 — Benzyl — 4 — chlorophenol (chlorophene)";	All products	0.2 per cent	—

(f) in Schedule 7 by the insertion in paragraph 6(5) after the words "Part VI of Annex A" of the words "and Commission Directive 87/143/EEC (a)" and by the insertion as a footnote at the foot of the relevant page of "(a) O.J. No. L57, 27.2.87, p.56".

(**4**) S.R. (N.I.) 1978/342.

(**5**) S.I. 1984/1260, amended by S.I. 1985/2045, 1987/1920.

John Butcher
Parliamentary Under-Secretary of State,
Department of Trade and Industry

27th April 1988

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Cosmetic Products (Safety) Regulations 1984 as amended by the Cosmetic Products (Safety) (Amendment) Regulations 1985 and 1987 ("the principal Regulations") and implement Commission Directive No. 87/137/EEC (O.J. L56, 26.2.87, p.20) by extending the ban on the use of N—(Trichloromethylthio)—4—cyclohexene—1, 2—dicarboximide (captan); 2, 2'—Dihydroxy—3, 3', 5, 5', 6, 6'—hexachlorodiphenylmethane (hexachlorophene) and 6—(piperidinyl)—2,4—pyrimidinediamine—3—oxide (minoxidil) and its salts and derivatives to the substances listed in Schedule 1 to the principal Regulations which may not be contained in cosmetic product (regulation 3(b)).

The Regulations also place on a permanently approved basis the use of the substance Methanol by adding it to the substances listed in Part I of Schedule 2, to the principal Regulations and which cosmetic products must not contain except subject to the restrictions laid down (regulation 3(c)).

The Regulations also provide for the addition of 2—Benzyl—4—chlorophenol (Chlorophene) to the substances listed in Schedule 5, Part I as preservatives allowed for use in cosm,etic products (regulation 3(e)).

The Regulations also provide for certain changes to the procedures for determining the presence of zinc in cosmetic products which are set out in Commission Directive No. 87/143/EEC (O.J. L57, 27.2.87, p.56) (regulation 3(f)).

The Regulations revoke the Cosmetic Products Regulations (Northern Ireland) 1978, since the principal Regulations apply to Northern Ireland (regulation 2).