

1975 No. 40

CONSUMER PROTECTION

**Pencils and Graphic Instruments (Safety) Regulations
(Northern Ireland) 1975**

Made 28th February 1975

Coming into operation 11th April 1975

*To be laid before Parliament under paragraph 3(3) of
Schedule 1 to the Northern Ireland Act 1974.*

The Department of Commerce, in exercise of the powers conferred on it by sections 1 and 2 of, and paragraph 3 of the Schedule to the Consumer Protection Act (Northern Ireland) 1965(a) and of every other power enabling it in that behalf, and after consulting with such persons and bodies of persons as appear to it to be requisite, hereby makes the following regulations:

1. These regulations may be cited as the Pencils and Graphic Instruments (Safety) Regulations (Northern Ireland) 1975 and shall come into operation on 11th April 1975.

2. In these regulations—

“the Act” means the Consumer Protection Act (Northern Ireland) 1965;

“brush” does not include any brush which measures more than 12mm across the breadth of the end of the ferrule;

“paint” includes lacquer, varnish and other similar substances;

“soluble” in relation to an element or compound contained in a coating or substance, means capable of being dissolved by the method described in the Schedule.

3. A pencil, pen or brush shall not have any coating of paint which—

(a) contains soluble arsenic, cadmium, hexavalent chromium or mercury, or any soluble compound of arsenic, cadmium, hexavalent chromium or mercury, so that the proportion (by weight) of the element calculated as such exceeds 100p.p.m. (that is to say, parts in a million parts) of that coating; or

(b) contains soluble antimony or lead, or any soluble compound of antimony or lead, so that the proportion (by weight) of the element calculated as such exceeds 250p.p.m. of that coating; or

(c) contains soluble barium, or any soluble compound of barium, so that the proportion (by weight) of the element calculated as such exceeds 500p.p.m. of that coating.

4. A pencil, crayon, chalk or other similar article (including any pencil-lead for a propelling pencil) shall not consist of or contain any substance—

(a) in the form of a pencil-lead or stick; and

- (b) intended to leave a trace of the substance when the pencil, crayon, chalk or other article is used for writing, drawing or marking, which—
- (i) contains soluble arsenic, cadmium, hexavalent chromium or mercury, or any soluble compound of arsenic, cadmium, hexavalent chromium or mercury, so that the proportion (by weight) of the element calculated as such exceeds 100p.p.m. of that substance; or
 - (ii) contains soluble antimony or lead, or any soluble compound of antimony or lead, so that the proportion (by weight) of the element calculated as such exceeds 250p.p.m. of that substance; or
 - (iii) contains soluble barium, or any soluble compound of barium, so that the proportion (by weight) of the element calculated as such exceeds 500p.p.m. of that substance.

5. As respects the requirements of these regulations, subsections (1) and (2) of section 2 of the Act (which prohibits sales and possession for sale of goods and component parts not complying with regulations) shall apply in relation to goods and component parts manufactured before the imposition of those requirements notwithstanding anything in subsection (4) of that section (which exempts such goods and parts unless regulations otherwise provide).

6.—(1) The Schedule to the Act (which relates to enforcement by district councils) shall have effect in relation to goods to which these regulations apply.

(2) Any test of goods to which these regulations apply, being a test such as is referred to in paragraph 2 of the Schedule to the Act (which empowers a district council to purchase goods for the purpose of a test) shall be carried out, at the expense of the district council by such person or body as may be authorised by the Department of Commerce to carry out such tests.

Sealed with the Official Seal of the Department of Commerce on 28th February 1975.

(L.S.)

Ernest Simpson
Assistant Secretary

SCHEDULE

Regulation 2

Method of dissolving soluble matter contained in any coating or substance

1. A sample of the coating or substance, as the case may be, shall be so comminuted as to be capable of passing through a sieve of wire cloth of 0.5mm (500 micron) aperture:

Provided that, in the case of a sample (other than a sample of coating) containing any wax, oil or other similar matter, that wax, oil or matter shall first be removed by means of methyl chloroform (1, 1, 1-trichlorethane).

2. The comminuted sample shall be added to fifty times its weight of an aqueous solution (at a temperature not lower than 20°C nor higher than 22°C) of hydrochloric acid containing 0.25 per cent by weight of hydrogen chloride (0.07N HCl) and the mixture shall be shaken for one minute. The mixture shall then be tested for acidity and, if its pH value is more than 1.5, an aqueous solution of hydrochloric acid containing 7.3 per cent by weight of hydrogen chloride (2 N HCl) shall be added drop by drop (the mixture being shaken after each drop is added) until the pH value is 1.5 or less. The mixture shall then be shaken continuously for one hour.

3. After shaking, the mixture shall be allowed to stand for one hour, and shall then be filtered. The resulting solution may then be analysed.

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

The Consumer Protection Act (Northern Ireland) 1965 gives the Department of Commerce power to make regulations imposing requirements, in respect of any class of goods, to prevent or reduce risk of death or personal injury. These regulations impose such requirements in relation to pencils, and certain other articles used for writing or drawing, and accordingly under the Act, subject to certain exceptions, no person may sell or have in his possession for sale a pencil or other article not complying with the regulations. Regulation 3 imposes restrictions in relation to the paint which may be used on pencils, pens and brushes. Regulation 4 imposes restrictions in relation to the substances which may be used for pencil-leads or for the writing element in crayons, chalks and other similar articles.