

1976 No. 328

CONSUMER PROTECTION**Vitreous Enamel-ware (Safety) Regulations (Northern Ireland) 1976***Made 4th November 1976**Coming into operation in accordance with regulation 1(2)**To be laid before Parliament under paragraph 3(3) of
Schedule 1 to the Northern Ireland Act 1974*

The Department(a) of Commerce, after consultation with such persons and bodies of persons as appear to it to be requisite, in exercise of the powers conferred by sections 1 and 2(4) and (5) of, and paragraph 3 of the Schedule to, the Consumer Protection Act (Northern Ireland) 1965(b) and now vested in it(c) and of every other power enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1.—(1) These regulations may be cited as the Vitreous Enamel-ware (Safety) Regulations (Northern Ireland) 1976.

(2) These regulations, in relation to goods sold by, or in the possession for the purpose of selling of, the manufacturer or importer into Northern Ireland of those goods, shall come into operation on 31st December 1976 and, in any other case, shall come into operation on 31st March 1977.

Interpretation

2.—(1) In these regulations—

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

“BS 5180” means the British Standard Specification for Permissible Limits of Metal Release from Vitreous Enamel-ware BS 5180: 1974 published in two parts by the British Standards Institution on 31st December 1974;

“cooking ware” means an article any part of the inside of which is coated with vitreous enamel and which is designed to contain food and to be heated in contact with such food in the course of its preparation, and includes a casserole, saucepan, frying pan, roaster, percolator, steamer and a kettle;

“flatware” means an article any part of the upper surface of which is coated with vitreous enamel and which is designed to be used in connection with the serving or consumption of food, being an article of which the ratio of the height to the diameter is less than one half when calculated in accordance with paragraph (2), and includes a soup, dessert or other plate and a saucer;

“food” means food and drink for human consumption, and articles and substances used as ingredients in the preparation of food or drink;

(a) formerly Ministry: see 1973 c. 36 Sch. 5 para. 8(1)

(b) 1965 c. 14 (N.I.)

(c) by S.R. & O. (N.I.) 1973 No. 504 Art. 5(c) (II, p. 2992)

“hollow-ware” means an article any part of the inside of which is coated with vitreous enamel and which is designed to be used in connection with the storage or consumption of food, being an article of which the ratio of the height to the diameter is not less than one half when calculated in accordance with paragraph (2) and includes a cup, mug, jug, jar, teapot and a coffee pot;

“kitchen utensil” means a utensil any part of which is coated with vitreous enamel and which is designed to be used in contact with hot food in the course of the preparation of the food, and includes a fish slice, ladle and a funnel;

“vitreous enamel” means a finish produced by the application to a metal surface of powdered glass, either dry or suspended in water, and the fusion thereof.

(2) For the purposes of the definitions of flatware and hollow-ware the height of any article is the vertical distance from the lowest point on the internal hollow surface to the highest plane to which the article can be filled with water without overflowing, when standing on a level surface. The diameter is the internal diameter of the largest horizontal cross section when such cross section is circular. When the largest horizontal cross section is not circular the diameter is the diameter of the circle which is equal in area to the largest horizontal cross section.

(3) Any reference in these Regulations to any requirement or test specified in BS 5180 includes a reference to any requirement or test incorporated in that Specification by reference to one or more other British Standard Specifications as amended before 31st December 1974.

Requirements

3.—(1) Any flatware or hollow-ware shall comply with the relevant requirements set out in clause 4 of Part 1 of BS 5180 when tested in accordance with the relevant provisions of clause 5 of that Part.

(2) Any cooking ware or kitchen utensil shall comply with the relevant requirements of Clause 4 of Part 2 of BS 5180 when tested in accordance with the relevant provisions of clause 5 of that Part.

Goods already manufactured

4. 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).

Letting under hire purchase agreement or on hire

5. Sections 2(1), (2) and (3) (other than paragraphs (d) and (e) of subsection (3)) of the Act (which relate to sale and possession for sale of goods and component parts not complying with regulations) shall, except as provided by section 2(6), apply in relation to goods to which these regulations apply as if references to selling or to a sale included references to letting under a hire-purchase agreement or on hire, and the reference to a sale under a credit-sale agreement were a reference to a letting under a hire-purchase agreement.

Enforcement by district councils

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

Sealed with the Official Seal of the Department of Commerce for Northern Ireland on 4th November 1976.

(L.S.)

W. T. McCrory
Assistant Secretary

EXPLANATORY NOTE

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

These Regulations impose requirements relating to the permissible level of release of lead and cadmium from vitreous enamel articles for use with food and accordingly, under the Consumer Protection Act (Northern Ireland) 1965, subject to certain exceptions, no person may sell, or have in his possession for the purpose of selling, an article of that description which does not comply with the Regulations.

British Standard Specifications may be obtained from the British Standards Institution, 101 Pentonville Road, London NI 9ND.

(d) formerly local authorities: see S.R. & O. (N.I.) 1973 No. 140 Art. 4 and Sch. 2 (I, p. 798)