

1974 No. 226

**CONSUMER PROTECTION**

**The Pencils and Graphic Instruments (Safety)**

**Regulations 1974**

Made - - - - 11th February 1974

\* *To be laid before Parliament*

Coming into Operation 1st August 1974

In pursuance of sections 1 and 2(4) of the Consumer Protection Act 1961(a) and, as respects Scotland, of paragraph 7 of the Schedule to that Act, and after consulting with such persons and bodies of persons as appear to me to be requisite, I hereby make the following Regulations:—

1.—(1) These Regulations may be cited as the Pencils and Graphic Instruments (Safety) Regulations 1974 and shall come into operation on 1st August 1974.

(2) In these Regulations the expression—

“the Act” means the Consumer Protection Act 1961;

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

“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 to these Regulations.

(3) Any reference in these Regulations to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment.

(4) The Interpretation Act 1889(b) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

2.—(1) 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 100 p.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 250 p.p.m. of that coating; or

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\*This instrument was laid before Parliament on 7th March 1974.

(a) 1961 c. 40.

(b) 1889 c. 63.

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

(2) In this Regulation, "paint" includes lacquer, varnish and other similar substances.

3. 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 100 p.p.m. (that is to say, parts in a million parts) 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 250 p.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 500 p.p.m. of that substance.

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).

5.—(1) The Schedule to the Act (which relates to enforcement by local authorities) shall have effect in relation to goods to which these Regulations apply.

(2) As respects Scotland, "local authority" in the Schedule to the Act shall mean, in relation to goods to which these Regulations apply, the council of any county or any town.

(3) Paragraph (2) above will cease to have effect on the coming into operation of paragraph 150 of Schedule 27 to the Local Government (Scotland) Act 1973(a) (which relates to the meaning of "local authority" in the Schedule to the Act).

*Robert Carr,*

One of Her Majesty's Principal  
Secretaries of State.

Home Office,  
Whitehall.  
11th February 1974.

## SCHEDULE

Regulation 1(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 0.5 mm (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-trichloroethane).

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 (0.07 N 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.)*

The Consumer Protection Act 1961 gives the Secretary of State 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 2 imposes restrictions in relation to the paint which may be used on pencils, pens and brushes. Regulation 3 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.

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