

**1976 No. 454****CONSUMER PROTECTION****The Vitreous Enamel-ware (Safety) Regulations 1976**

<i>Made - - - -</i>	<i>22nd March 1976</i>
<i>Laid before Parliament</i>	<i>30th March 1976</i>
<i>Coming into Operation</i>	<i>1st June 1976</i>

The Secretary of State, after consulting in accordance with subsection (5) of section 1 of the Consumer Protection Act 1961(a) with such persons and bodies of persons as appear to her requisite, in exercise of her powers under that section and section 2(4) and (6) of that Act, and of all other powers enabling her in that behalf, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Vitreous Enamel-ware (Safety) Regulations 1976 and shall come into operation on 1st June 1976.

(2) In these Regulations—

“the Act” means the Consumer Protection Act 1961;

“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 (3) below, and includes any soup, dessert or other plate and a saucer;

“food” means food and drink for human consumption;

“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 (3) below, and includes a cup, mug, jug, jar, tea pot 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.

(3) 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.

(4) 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.

(5) 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.

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

2.—(1) Any flatware or hollow-ware shall comply with the relevant requirements set out in clause 4 of Part I 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.

3. 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).

4. Section 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 the proviso to 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 letting under a hire-purchase agreement.

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

*Alan Williams,*

Minister of State,

22nd March 1976.

Department of Prices and Consumer Protection.

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**EXPLANATORY NOTE**

*(This Note is not part of the Regulations.)*

These Regulations impose requirements relating to the permissible level of release of lead and cadmium from vitreous enamel articles for use with food. British Standard Specifications may be obtained from the British Standards Institution, 101 Pentonville Road, London N1 9ND.

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