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STATUTORY INSTRUMENTS

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**1995 No. 2489**

**CONSUMER PROTECTION**

**The Footwear (Indication of  
Composition) Labelling Regulations 1995**

<i>Made</i>	- - - -	<i>20th September 1995</i>
<i>Laid before Parliament</i>		<i>25th September 1995</i>
<i>Coming into force</i>		
<i>(except as provided in regulation 1(2))</i>		<i>23rd March 1996</i>

Whereas the Secretary of State is a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to measures relating to consumer protection;

Now, the Secretary of State, in exercise of the powers conferred upon him by section 2(2) of that Act and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

**Citation and commencement**

1.—(1) These Regulations may be cited as the Footwear (Indication of Composition) Labelling Regulations 1995 and except as provided by paragraph 2 below shall come into force on 23rd March 1996.

(2) In the case of footwear invoiced or delivered to a retailer on or before 22nd March 1996, these Regulations shall come into force on 23rd September 1997.

**Interpretation**

2. In these Regulations—

“the Act of 1968” means the Trade Descriptions Act 1968;

“coated leather” means leather with a surface coating applied provided that the coating as applied does not exceed one third of the total thickness of the product and is in excess of 0.15mm;

“the Community” means the European Community and other States in the European Economic Area;

“consumer” means any natural person who is acting for purposes which are outside his trade, business or profession;

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(1) S.I.1993/2661.  
(2) 1972 c. 68.

“footwear” means all articles with applied soles designed to protect or cover the foot, including one or more of the main components when marketed separately;

“full grain leather” means a leather bearing the original grain surface as exposed by removal of the epidermis and with none of the surface removed by buffing, snuffing or splitting;

“leather” means hide or skin with its original fibrous structure more or less intact, tanned to be rot proof, with or without the original hair or wool; hide or skin which has been split into layers or segmented either before or after tanning, and leather with a surface coating, however applied, or a glued on finish, provided that such surface layers are not thicker than 0.15mm, but does not include tanned hide or skin disintegrated mechanically or chemically into fibrous particles, small pieces or powders and then with or without the combination of a binding agent, made into sheets or other forms;

“lining and sock” means the lining of the upper and the insole constituting the inside of the footwear article;

“main components” means the upper, the lining and sock and the outer sole;

“outer sole” means the bottom part of the footwear article, which is subject to abrasive wear and attached to the upper;

“responsible person” in relation to footwear means—

- (a) the manufacturer;
- (b) the manufacturer’s authorised agent established in the Community; or
- (c) where neither the manufacturer nor his authorised agent is established in the Community, the person who first places the footwear on the Community market;

“retailer” means any person who supplies footwear to consumers;

“supply” shall be construed in accordance with section 46 of the Consumer Protection Act 1987<sup>(3)</sup> and includes offering to supply, agreeing to supply, exposing for supply and possessing for supply, and cognate expressions shall be construed accordingly;

“textiles” shall mean all products covered by Directive 71/307/EEC<sup>(4)</sup> and amendments thereof; and

“upper” means the outer face of the structural element which is attached to the outer sole.

## Application

- 3.—(1) These Regulations apply to footwear sold or offered for sale to consumers.
- (2) A non-exhaustive list of the products covered by these Regulations is at Schedule 1.
- (3) The following types of footwear are excluded from these Regulations—
  - (a) second-hand, worn footwear,
  - (b) protective footwear covered by Directive 89/686/EEC<sup>(5)</sup>,
  - (c) footwear covered by Directive 76/769/EEC<sup>(6)</sup>, and
  - (d) toy footwear.

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(3) 1987 c. 43.

(4) O.J. No. L185, 16.8.1971, p.16, as amended by Council Directive 83/623/EEC (O.J. No. L353, 15.12.83, p.8) and Commission Directive 87/140/EEC (O.J. No. L56, 26.2.87, p.24).

(5) O.J. No. L399, 30.12.1989, p.18.

(6) O.J. No. L262, 27.9.1976, p.201.

### **Requirements applicable to responsible persons**

4.—(1) The responsible person shall ensure that footwear placed on the market shall comply with the labelling requirements of these Regulations.

(2) The responsible person shall be responsible for supplying the labelling to be conveyed upon the footwear and for the accuracy of the information contained in it.

### **Labelling requirements**

5.—(1) Subject to paragraph (2) below, the labelling, which shall be conveyed upon the footwear in accordance with paragraph (5) below, shall provide information as to the material which constitutes at least 80% of the surface area of the upper, at least 80% of the surface area of the lining and sock and at least 80% of the volume of the outer sole.

(2) Where no one material accounts for at least 80% of the surface area or volume, as the case may be, information shall be given as to the two main materials used in the composition of the footwear.

(3) In the case of the upper, in determining the composition no account shall be taken of any accessories or reinforcements such as ankle patches, edging, ornamentation buckles, tabs, eyelet stays or similar attachments.

(4) The manufacturer or his authorised agent established in the Community may provide the information required in accordance with paragraph (1) above by way of a pictogram or written indication as set out in Schedule 2 to these Regulations.

(5) Subject to the requirements of this regulation, the labelling may contain additional information to that required by paragraph (4) above.

(6) The labelling shall be affixed to at least one article of footwear in each pair and may be affixed by way of printing, sticking, embossing or use of an attached label; and shall be visible, securely attached and accessible.

(7) The responsible person shall ensure that any labelling attached to footwear is not likely to mislead consumers as to its composition thereof.

### **Obligation on retailers**

6.—(1) No retailer shall supply footwear unless it is labelled in accordance with the requirements of these Regulations.

(2) Any retailer who supplies footwear labelled by way of a pictogram from premises to which consumers are admitted shall ensure that a notice containing a written indication of the meaning of the pictograms set out in Schedule 2 to these Regulations is displayed in a conspicuous part of those premises.

(3) Any retailer who supplies footwear labelled by way of a pictogram from premises other than that to which consumers are admitted shall ensure that consumers are informed of the meaning of any pictogram shown, in accordance with regulation 5, on the labelling of any footwear he supplies.

### **Offences**

7. An indication of composition of any footwear which satisfies the requirements of these Regulations shall be deemed not to be a trade description for the purposes of the Act of 1968.

8. Any person who contravenes the provisions of regulation 4 or 6 shall be guilty of an offence and shall be liable—

- (a) on summary conviction, to a fine not exceeding level 5 on the Standard Scale;
- (b) on conviction on indictment, to a fine.

### **Compliance notices**

9.—(1) Where an enforcement authority has reasonable grounds for suspecting that the provisions of these Regulations have been or are being contravened it may serve a notice (a “compliance notice”) on the responsible person or, as the case may be, the retailer and the provisions of sections 26, 27, 28, 29 and 30(1) of the Act of 1968 shall not be applied until such a notice has been so served and the person upon whom it has been served has failed to comply with its requirements.

(2) Schedule 3 shall have effect in respect of a compliance notice.

### **Enforcement**

10.—(1) The following provisions of the Act of 1968 shall apply in relation to an offence under these Regulations as they apply in relation to an offence under that Act (modified where appropriate in relation to Northern Ireland by section 40(1) of that Act), that is to say sections 19, 20, 23 and 24 as if references in those sections to offences under the Act of 1968 were references to offences under these Regulations and in relation to Northern Ireland as if those references were modified in accordance with section 40(1) of the Act of 1968.

(2) The following provisions of the Act of 1968 shall apply in relation to the enforcement of these Regulations as they apply in relation to the enforcement of that Act (modified where appropriate in relation to Northern Ireland as aforesaid), that is to say sections 26, 27, 28, 29 and 30(1).

(3) Section 33 (modified in relation to Northern Ireland) of the Act of 1968, in accordance with paragraph (1) above, shall apply in relation to compensation for goods seized and detained under these Regulations as it applies in relation to compensation for goods seized and detained under that Act.

20th September 1995

*Jonathan Evans,*  
Parliamentary Under-Secretary of State for  
Competition and Consumer Affairs,  
Department of Trade and Industry

## SCHEDULE 1

Regulation 3(2)

### NON-EXHAUSTIVE LIST OF FOOTWEAR COVERED BY THESE REGULATIONS

“Footwear” may range from sandals with uppers consisting simply of adjustable laces or ribbons to thigh boots the uppers of which cover the leg and thigh. Among the products included therefore are—

- (i) flat or high-heeled shoes for ordinary indoor or outdoor wear;
- (ii) ankle-boots, half-boots, knee-boots and thigh boots;
- (iii) sandals of various types, “espadrilles” (shoes with canvas uppers and soles of plaited vegetable material), tennis shoes, running and other sports shoes, bathing sandals and other casual footwear;
- (iv) special sports footwear which is designed for a sporting activity and has, or has provision for the attachment of, spikes, studs, stops, clips, bars or the like and skating boots, ski boots and cross-country ski footwear, wrestling boots, boxing boots and cycling shoes. Also included are composite articles made up of footwear with (ice or roller) skates attached;
- (v) dancing slippers;
- (vi) footwear formed from a single piece, particularly by moulding rubber or plastics, but excluding disposable articles of flimsy material (paper, plastic film, etc., without applied soles);
- (vii) overshoes worn over other footwear, which in some cases are heel-less;
- (viii) disposable footwear, with applied soles, generally designed to be used only once;
- (ix) orthopaedic footwear, other than medical devices to which the Medical Devices Regulations 1994(7) apply.

For reasons of homogeneity and clarity, and subject to the provisions mentioned in the description of the products covered by Directive [94/11/EC](#), products covered by Chapter 64 of the combined nomenclature (CN) may, as a general rule, be regarded as falling within the scope of Directive [94/11/EC](#)

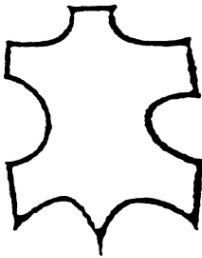
## SCHEDULE 2

Regulation 5(4)

1. Pictograms or written indications concerning the parts of the footwear to be identified.



2. Pictograms or written indications concerning materials used in the composition of footwear.



3. Any pictogram concerning material shall appear on the label beside the pictogram of the relevant footwear part.

4. The dimensions of any pictograms must be sufficiently large to make it easy to understand the information contained therein.

5. Any written indication shall be in the English Language.

### SCHEDULE 3

Regulation 9

### COMPLIANCE NOTICE

1. The notice shall—

- (a) specify the description of the footwear to which the notice relates;

- (b) state that the enforcement authority suspects that a contravention of a provision of these Regulations has taken place and the reasons for that suspicion;
  - (c) specify the provision referred to in paragraph (b) above;
  - (d) require the person upon whom the notice is served—
    - (i) to take such action to end the contravention as may be specified by the notice within such period as may be specified by the notice; or
    - (ii) to provide evidence within that period to the satisfaction of the enforcement authority that all the provisions of these Regulations have been complied with; and
  - (e) warn that person that if the non-conformity continues (or if satisfactory evidence has not been produced under sub-paragraph (ii) of paragraph (d) above) within the period specified in the notice, further action may be taken under these Regulations in respect of that footwear or any footwear of the same type supplied by that person.
2. The notice may include directions as to the measures to be taken by that person to secure compliance with the provisions of these Regulations, including different ways of securing compliance.

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## EXPLANATORY NOTE

*(This note does not form part of the Regulations)*

These Regulations implement European Parliament and Council Directive [94/11/EC](#) (O.J. No. L100, 19.4.94, p.37) on the labelling of materials used in the main components of footwear for sale to the consumer.

The Regulations require “responsible persons” as defined in regulation 2(1) to ensure that footwear placed on the market shall comply with certain labelling requirements (regulation 4).

Labelling, which shall be conveyed upon the footwear, shall provide information as to the material which constitutes at least 80% of the surface area of the upper, at least 80% of the surface area of the lining and sock and at least 80% of the volume of the outer sole of the footwear.

The information may be provided by way of pictogram or written indication (regulation 5).

Retailers must ensure that footwear is labelled in accordance with the requirements of the Regulations and that consumers are informed of the meaning of the pictograms (regulation 6).

Criminal penalties are provided for breach of regulation 4 or 6.

The Regulations make provision for enforcement including service of compliance notices.

A compliance cost assessment is available, copies of which have been placed in the libraries of both Houses of Parliament. Copies are also available from the Consumer Affairs Division of the Department of Trade and Industry, Room 4.R.11, 1 Victoria Street, London SW1H 0ET.