

1999 No. 2084

CONSUMER PROTECTION

**The Dangerous Substances and Preparations (Safety)
(Consolidation) (Amendment) Regulations 1999**

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| <i>Made - - - -</i> | <i>22nd July 1999</i> |
| <i>Laid before Parliament</i> | <i>22nd July 1999</i> |
| <i>Coming into force</i> | <i>13th August 1999</i> |

Whereas the Secretary of State has, in accordance with section 11(5) of the Consumer Protection Act 1987(a), consulted such organisations as appear to him to be representative of interests substantially affected by these Regulations, such other persons as he considers appropriate and the Health and Safety Commission:

Now, therefore, the Secretary of State in exercise of powers conferred upon him by section 11 of the said Act of 1987 hereby makes the following Regulations:—

1. These Regulations may be cited as the Dangerous Substances and Preparations (Safety) (Consolidation) (Amendment) Regulations 1999 and shall come into force on 13th August 1999.

2. The Dangerous Substances and Preparations (Safety) (Consolidation) Regulations 1994(b) are amended as follows—

- (a) in regulation 2, by substituting the words “These Regulations” for the words “Regulations 3 and 4”; and
- (b) by adding the following after regulation 3—

“Substances and preparations capable of being used as fuel in decorative lamps

3A.—(1) This regulation applies to liquid substances and preparations—

- (a) which are required to be classified in accordance with regulation 5 of the CHIP Regulations(c);
- (b) which, if so classified, would be required to be labelled with risk phrase R65 (“harmful: may cause lung damage if swallowed”); and
- (c) which can be used as fuel in decorative lamps.

(2) Subject to paragraphs (4) and (5) below, no person shall supply any liquid substance or preparation to which this regulation applies which contains either perfume or (unless its addition is required for fiscal reasons(d)) a colouring agent or both.

(3) Subject to paragraph (4) below, no person shall supply any liquid substance or preparation to which this regulation applies, and which is intended for use as fuel in

(a) 1987 c. 43.

(b) S.I. 1994/2844, amended by S.I. 1996/2635.

(c) S.I. 1996/2635 added a definition of “the CHIP Regulations” to S.I. 1994/2844.

(d) The addition of a colouring agent to certain oils for fiscal reasons is provided for by the Hydrocarbon Oil Regulations 1973 (S.I. 1973/1311 to which the relevant amendment is S.I. 1994/694).

decorative lamps, unless the packaging in which it is contained is marked legibly and indelibly with the words “Keep lamps filled with this liquid out of the reach of children”.

(4) Neither paragraph (2) nor paragraph (3) above shall prohibit the supply, in a single package, in a quantity of more than 15 litres, of any liquid substance or preparation to which this regulation applies.

(5) Paragraph (2) above shall not prohibit the supply of paraffin to which a colouring agent has been added solely in order to distinguish it for safety reasons from another liquid substance or preparation and which is intended for use only as fuel in heating appliances or for any other use (but not for use as fuel in decorative lamps).

(6) In paragraph (5) above, “paraffin” means paraffin which conforms to class C1 in the British Standard Specification for fuel oil for agricultural and industrial engines and burners (classes A2, C1, C2, D, E, F, G and H) BS 2869: 1998^(a), published by the British Standards Institution on 15th December 1998.”

22nd July 1999

Kim Howells
Parliamentary Under-Secretary of State for
Competition and Consumer Affairs,
Department of Trade and Industry

^(a) ISBN 0580 295842.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Dangerous Substances and Preparations (Safety) (Consolidation) Regulations 1994 as amended by the Dangerous Substances and Preparations (Safety) (Consolidation) (Amendment) Regulations 1996 (“the principal Regulations”). They partially implement Commission Directive 97/64/EC (O.J. No. L315, 19.11.1997, p. 13), which adapted to technical progress for the fourth time Annex I to Council Directive 76/769/EEC (O.J. No. L262, 27.9.1976, p. 201).

These Regulations amend the principal Regulations by introducing a labelling requirement for certain dangerous substances and preparations in liquid form which are capable of being, and are intended to be, used as fuel in decorative lamps, and by prohibiting the supply of certain liquid substances and preparations capable of being used as fuel in decorative lamps where they contain perfume or a colouring agent or both.

The prohibition on supply referred to above does not apply where a substance or preparation contains only a colouring agent and that colouring agent has been added for fiscal reasons. Nor does it apply to paraffin to which a colouring agent has been added solely in order to distinguish it for safety reasons from another liquid substance or preparation and which is intended for any use other than as a fuel in decorative lamps.

Furthermore, neither the prohibition on supply nor the labelling requirement apply where the substance or preparation is supplied, in a single package, in a quantity of more than 15 litres.

These Regulations also amend the principal Regulations so that, as required by Council Directive 76/769/EEC, they do not apply at all in any case where goods within their scope are supplied for research and development or analysis.

In the principal Regulations, and consequently in these Regulations, “supply” includes offering to supply, agreeing to supply, exposing for supply and possessing for supply.

A Regulatory Impact 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 Directorate of the Department of Trade and Industry, Room 433, 1 Victoria Street, London SW1H 0ET.

Copies of the British Standard Specification for fuel oil for agricultural and industrial engines and burners (classes A2, C1, C2, D, E, F, G and H) BS 2869: 1998 can be obtained from the British Standards Institution, 389 Chiswick High Road, London W4 4AL.

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