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STATUTORY INSTRUMENTS

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**2003 No. 602**

**ENVIRONMENTAL PROTECTION**

**The Environmental Protection (Controls  
on Hexachloroethane) Regulations 2003**

<i>Made</i>	- - - -	<i>10th March 2003</i>
<i>Laid before Parliament</i>		<i>10th March 2003</i>
<i>Coming into force</i>	- -	<i>30th June 2003</i>

The Secretary of State for Environment, Food and Rural Affairs, being 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 restrictions on the marketing and use of certain dangerous substances and preparations, in exercise of the powers conferred on her by the said section 2(2)<sup>(3)</sup> hereby makes the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Environmental Protection (Controls on Hexachloroethane) Regulations 2003 and shall come into force on 30th June 2003.

(2) These Regulations extend to Great Britain.

**Interpretation**

2. Expressions used in these Regulations which are also used in Council Directive [76/769/EC](#) on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations<sup>(4)</sup>, as last amended by Commission Directive [2001/91/EC](#)<sup>(5)</sup> shall have the meaning they bear in that Directive.

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(1) S.I.1992/1711.

(2) 1972 c. 68.

(3) The power of the Minister to make regulations in relation to matters in or as regards Scotland is preserved by section 57(1) of the Scotland Act 1998.

(4) O.J. No. L272, 27.9.1976, p. 201.

(5) O.J. No. L286, 30.10.01, p. 27.

### **Prohibition on the use of hexachloroethane in the manufacturing and processing of non-ferrous metals**

3. Subject to regulation 4, no person shall use hexachloroethane in the manufacturing or processing of non-ferrous metals.

### **Exception to the prohibition**

4. Hexachloroethane may be used in the manufacturing or processing of non-ferrous metals for research and development or analysis purposes.

### **Offences and penalties**

5.—(1) Any person who contravenes regulation 3, or causes or permits another person to contravene that regulation, shall be guilty of an offence.

(2) Any person guilty of an offence under paragraph (1) shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale and, on conviction on indictment, to a fine.

(3) Where an offence under paragraph (1) committed by a body corporate is proved—

- (a) to have been committed with the consent or connivance of an officer, or
- (b) to be attributable to any neglect on his part,

the officer as well as the body corporate shall be guilty of that offence and liable to be proceeded against and punished accordingly.

(4) In paragraph (3) “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

(5) If the affairs of a body corporate are managed by its members, paragraph (3) shall apply in relation to the acts or defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(6) Where an offence under paragraph (1) committed by a partnership in Scotland is proved—

- (a) to have been committed with the consent or connivance of a partner, or
- (b) to be attributable to any neglect on his part,

the partner as well as the partnership shall be guilty of that offence and liable to be proceeded against and punished accordingly.

(7) In paragraph (6) “partner” includes a person purporting to act as a partner.

### **Revocation**

6. The Environmental Protection (Controls on Hexachlorethane) Regulations 1998(6) are revoked.

*Michael Meacher*  
Minister of State,  
Department for Environment, Food and Rural  
Affairs

10th March 2003

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply to England, Wales and Scotland, give effect to Commission Directive [2001/91/EC](#) which adapted to technical progress for the eighth time Annex I to Council Directive [76/769/EEC](#) on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations.

Regulation 3 prohibits the use of hexachloroethane in the manufacturing and processing of non-ferrous metals from 30th June 2003.

Regulation 4 provides for an exception to the prohibition in regulation 3.

Regulation 5 makes it a criminal offence to contravene regulation 3 and specifies the penalties for such an offence.

Regulation 6 revokes the Environmental Protection (Controls on Hexachloroethane) Regulations 1998.

In Directive [2001/91/EC](#) hexachloroethane is identified by reference to its CAS Number, which is 67-72-1, and its EINECS Number, which is 2006664. The CAS Number is given in the CAS Registry Handbook, ISSN 0093-058X, which may be inspected at the Royal Society of Chemistry, Burlington House, Piccadilly, London W1V 0BN. The EINECS Number is given in the European Inventory of Existing Commercial Chemical Substances (OJNo. C146A, 15.6.90, p. 1.).