

1967 No. 1675

FACTORIES

DANGEROUS SUBSTANCES

**The Carcinogenic Substances (Prohibition of Importation)
Order 1967***Made - - - - 13th November 1967**Coming into Operation 9th December 1967*

At the Court at Buckingham Palace, the 13th day of November 1967

Present,

The Queen's Most Excellent Majesty in Council

Whereas by section 77(2) of the Factories Act 1961(a) it is provided that where by any regulations made under that Act the use of any material or process is prohibited, Her Majesty may by Order in Council prohibit, either absolutely or subject to exemptions, the importation into the United Kingdom of the material or of any articles in the manufacture of which the material or process has been employed:

And whereas the Carcinogenic Substances Regulations 1967(b) made under the Factories Act 1961 prohibit the use in factories and in certain other places to which that Act applies of the following chemical compounds, that is to say, beta-naphthylamine, benzidine, 4-aminodiphenyl, 4-nitrodiphenyl and their salts, and any substance containing any of those compounds:

Now, therefore, Her Majesty, in pursuance of the power conferred on Her by the said section 77(2) and of all other powers enabling Her in that behalf is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Carcinogenic Substances (Prohibition of Importation) Order 1967 and shall come into operation on 9th December 1967.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

2. Except as provided in Article 3 and subject to the provisions of Article 4 of this Order, the importation into the United Kingdom of the following chemical compounds, that is to say, beta-naphthylamine, benzidine, 4-aminodiphenyl, 4-nitrodiphenyl and their salts and of any substance or article containing any of the said compounds is hereby prohibited.

(a) 1961 c. 34.

(b) S.I. 1967/879 (1967 II, p. 2619).

(c) 1889 c. 63.

3. The provisions of Article 2 of this Order shall not apply in any case where all or any one or more of the said compounds is present, as a by-product of a chemical reaction, in any other substance or in any article in a total concentration not exceeding one per cent.

4.—(1) The Chief Inspector of Factories may (subject to such conditions, if any, as may be specified therein) by licence (which he may in his discretion revoke at any time) exempt from the provisions of Article 2 of this Order—

(a) any compound, substance or article or any class or description of compounds, substances or articles if he is satisfied that it is to be used only for the purpose of or in the course of research, investigation or testing (the research, investigation or testing being medical or scientific) and that the use has been certified in writing by the director or other person in charge of the laboratory or other place where the said research, investigation or testing (as the case may be) is to be carried on to be necessary for such purpose or in such course:

(b) any benzidine monohydrochloride, any benzidine dihydrochloride or any mixture containing either or both of those substances, if he is satisfied—

(i) that it is to be used only in a process of manufacture to be carried out in a totally enclosed system in such a manner that no compound or substance mentioned in Article 2 of this Order is allowed to escape from the said system, that no such compound or substance (other than any benzidine hydrochloride) is removed therefrom except for the purposes of, and in no greater quantity and no more frequently than is necessary for, control of the process and such analysis as is necessary to secure that the product will be free from such compounds or substances and that adequate steps will be taken to ensure that the benzidine hydrochlorides are at all times, except while they are in the totally enclosed system, kept wet so that the proportion by weight of water to benzidine hydrochlorides is not less than one part of water to two parts of benzidine hydrochlorides; and

(ii) that on importation into the United Kingdom the benzidine hydrochlorides will be in a wet condition so that the proportion by weight of water to benzidine hydrochlorides is not less than one part of water to two parts of benzidine hydrochlorides and be enclosed in suitable containers; and

(c) any compound, substance or article if he is satisfied that it is to be brought within any dock, wharf or quay (including any warehouse therein or thereon and any line or siding used in connection with and for the purposes of the dock, wharf or quay and not forming part of a railway or tramway) to which section 125 of the Factories Act 1961 applies for the sole purpose of re-exporting the said compound, substance or article;

and if he is further satisfied in each of the cases mentioned in sub-paragraphs (a) and (b) of this Article that the requirements of Regulations 7 and 8 of the Carcinogenic Substances Regulations 1967 will be complied with in the case of any use mentioned in those sub-paragraphs, as if it were a case to which the said Regulations 7 and 8 applied and as if references therein to controlled substances included references to the compounds, substances, articles and mixtures referred to in the said sub-paragraphs (a) and (b).

(2) The foregoing paragraph of this Article shall, in its application to importations into Northern Ireland, have effect as if—

- (a) for the reference to section 125 of the Factories Act 1961 there were substituted a reference to section 123 of the Factories Act (Northern Ireland) 1965(a); and
- (b) for the reference to Regulations 7 and 8 of the Carcinogenic Substances Regulations 1967 there were substituted a reference to Regulations 7 and 8 of the Carcinogenic Substances Regulations (Northern Ireland) 1967(b).

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order prohibits the importation into the United Kingdom of the following chemical compounds, namely, beta-naphthylamine, benzidine, 4-aminodiphenyl, 4-nitrodiphenyl and their salts and any substance or article containing any of the said compounds. The prohibition does not apply in the case of substances or articles in which the said compounds are present in less than specified concentrations. The Order provides for the granting by the Chief Inspector of Factories in specified circumstances of exemptions from the prohibition on importation where material is to be used for the purpose of or in the course of medical or scientific research, where benzidine monohydrochloride or benzidine dihydrochloride is to be used in any process of manufacture carried out in a totally enclosed system, and where material is to be brought into a dock, wharf or quay in the United Kingdom for the sole purpose of re-export.

(a) 1965 c. 20 (N.I.).

(b) S.R. & O. (N.I.) 1967 No. 266.